

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 4138

By: May and **Roberts (Sean)**

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to firearms; amending 21 O.S. 2021,  
10                   Section 1277, which relates to the unlawful carry of  
11                   firearms in certain places; modifying scope of  
12                   certain prohibited act; providing an exception;  
13                   prohibiting the carry of firearms into certain  
14                   places; deleting construing provisions; authorizing  
15                   the concealed carry of handguns into buildings and on  
16                   the fairgrounds during the Oklahoma State Fair and  
17                   Tulsa State Fair; authorizing event holders to allow  
18                   for the open carry of lawful firearms during Oklahoma  
19                   State Fair and Tulsa State Fair; authorizing public  
20                   trusts and nonprofit entities to allow for the open  
21                   carry of lawful firearms on public trust property;  
22                   amending 21 O.S. 2021, Section 1290.22, which relates  
23                   to the Oklahoma Self-Defense Act; prohibiting the  
24                   carry of concealed or unconcealed firearms at certain  
                  events; deleting certain prohibition; and providing  
                  an effective date.

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

SECTION 1.           AMENDATORY           21 O.S. 2021, Section 1277, is  
amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

13       3. Any public or private elementary or public or private  
14 secondary school, except as provided in subsections C and D of this  
15 section;

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

18       5. Any place where gambling is authorized by law, unless  
19 allowed by the property owner;

20       6. Any other place specifically prohibited by law; ~~and~~

21       7. Any public property set aside by a county, city, town,  
22 public trust with a county, city or town as a beneficiary, or state  
23 governmental authority for an event that is secured with minimum-  
24 security provisions; provided, however, the provisions of this

1 paragraph shall not apply to and specifically excludes events held  
2 on the fairgrounds and in buildings of the fairgrounds that are open  
3 to the general public during the Oklahoma State Fair or the Tulsa  
4 State Fair. For purposes of this paragraph, a minimum-security  
5 provision consists of a location that is secured utilizing the  
6 following:

- 7 a. a metallic-style security fence that is at least eight  
8 (8) feet in height that encompasses the property and  
9 is secured in such a way as to deter unauthorized  
10 entry,
- 11 b. controlled access points staffed by a uniformed,  
12 commissioned peace officer, and
- 13 c. a metal detector whereby persons walk or otherwise  
14 travel with their property through or by the metal  
15 detector;

16 8. Any public building used for a public meeting conducted  
17 under the Oklahoma Open Meeting Act, unless otherwise authorized by  
18 law;

19 9. Any public facility providing substance abuse or mental  
20 health services or any facilities providing substance abuse programs  
21 to persons who are under the direct supervision of the state, a  
22 county or municipality, unless otherwise authorized by law; and

23 10. The State Capitol Building, unless otherwise authorized by  
24 law.

1 B. It shall be lawful for a person to carry a concealed or  
2 unconcealed firearm on the following properties:

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

6 2. Any property set aside for the use or parking of any  
7 vehicle, whether attended or unattended, which is open to the  
8 public, or by any entity engaged in gambling authorized by law;

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

12 4. Any property designated by a city, town, county or state  
13 governmental authority as a park, recreational area, wildlife  
14 refuge, wildlife management area or state or county fairgrounds;  
15 ~~provided, nothing in this paragraph shall be construed to authorize~~  
16 ~~any entry by a person in possession of a concealed or unconcealed~~  
17 ~~firearm into any structure, building, office space or event which is~~  
18 ~~specifically prohibited by the provisions of subsection A of this~~  
19 ~~section;~~

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

1       6. Any public property set aside temporarily by a county, city,  
2 town, public trust with a county, city or town as a beneficiary, or  
3 state governmental authority for the holder of an event permit that  
4 is without minimum-security provisions, as such term is defined in  
5 paragraph 7 of subsection A of this section; provided, the carry of  
6 firearms within said permitted event area shall be limited to  
7 concealed carry of a handgun unless otherwise authorized by the  
8 holder of the event permit; and

9       7. On the fairgrounds and in buildings of the fairgrounds that  
10 are open to the general public during the Oklahoma State Fair or the  
11 Tulsa State Fair; provided, the handgun is carried in a concealed  
12 manner. The event holder shall be authorized to allow for the open  
13 carry of all lawful firearms during the Oklahoma State Fair or the  
14 Tulsa State Fair.

15       Nothing contained in any provision of this subsection or  
16 subsection C of this section shall be construed to authorize or  
17 allow any person in control of any place described in subsection A  
18 of this section to establish any policy or rule that has the effect  
19 of prohibiting any person in lawful possession of a handgun license  
20 or otherwise in lawful possession of a firearm from carrying or  
21 possessing the firearm on the property described in this subsection.

22       C. A concealed or unconcealed weapon may be carried onto  
23 private school property or in any school bus or vehicle used by any  
24 private school for transportation of students or teachers by a

1 person who is licensed pursuant to the Oklahoma Self-Defense Act,  
2 provided a policy has been adopted by the governing entity of the  
3 private school that authorizes the carrying and possession of a  
4 weapon on private school property or in any school bus or vehicle  
5 used by a private school. Except for acts of gross negligence or  
6 willful or wanton misconduct, a governing entity of a private school  
7 that adopts a policy which authorizes the possession of a weapon on  
8 private school property, a school bus or vehicle used by the private  
9 school shall not be subject to liability for any injuries arising  
10 from the adoption of the policy. The provisions of this subsection  
11 shall not apply to claims pursuant to the Administrative Workers'  
12 Compensation Act.

13 D. Notwithstanding paragraph 3 of subsection A of this section,  
14 a board of education of a school district may adopt a policy  
15 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to  
16 authorize the carrying of a handgun onto school property by school  
17 personnel specifically designated by the board of education,  
18 provided such personnel either:

19 1. Possess a valid armed security guard license as provided for  
20 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

21 2. Hold a valid reserve peace officer certification as provided  
22 for in Section 3311 of Title 70 of the Oklahoma Statutes.

23 Nothing in this subsection shall be construed to restrict authority  
24 granted elsewhere in law to carry firearms.

1 E. Notwithstanding the provisions of subsection A of this  
2 section, on any property designated as a municipal zoo or park of  
3 any size that is owned, leased, operated or managed by:

4 1. A public trust created pursuant to the provisions of Section  
5 176 of Title 60 of the Oklahoma Statutes; or

6 2. A nonprofit entity,  
7 an individual shall be allowed to carry a concealed handgun but not  
8 openly carry a handgun on the property. The public trust or  
9 nonprofit entity shall be authorized to allow for the open carry of  
10 all lawful firearms on the property of the public trust or nonprofit  
11 entity.

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

21 G. No person in possession of a valid handgun license issued  
22 pursuant to the provisions of the Oklahoma Self-Defense Act or who  
23 is carrying or in possession of a firearm as otherwise permitted by  
24 law or who is carrying or in possession of a machete, blackjack,

1 loaded cane, hand chain or metal knuckles shall be authorized to  
2 carry the firearm, machete, blackjack, loaded cane, hand chain or  
3 metal knuckles into or upon any college, university or technology  
4 center school property, except as provided in this subsection. For  
5 purposes of this subsection, the following property shall not be  
6 construed to be college, university or technology center school  
7 property:

8 1. Any property set aside for the use or parking of any motor  
9 vehicle, whether attended or unattended, provided the firearm,  
10 machete, blackjack, loaded cane, hand chain or metal knuckles are  
11 carried or stored as required by law and the firearm, machete,  
12 blackjack, loaded cane, hand chain or metal knuckles are not removed  
13 from the motor vehicle without the prior consent of the college or  
14 university president or technology center school administrator while  
15 the vehicle is on any college, university or technology center  
16 school property;

17 2. Any property authorized for possession or use of firearms,  
18 machetes, blackjacks, loaded canes, hand chains or metal knuckles by  
19 college, university or technology center school policy; and

20 3. Any property authorized by the written consent of the  
21 college or university president or technology center school  
22 administrator, provided the written consent is carried with the  
23 firearm, machete, blackjack, loaded cane, hand chain or metal  
24

1 knuckles and the valid handgun license while on college, university  
2 or technology center school property.

3 The college, university or technology center school may notify  
4 the Oklahoma State Bureau of Investigation within ten (10) days of a  
5 violation of any provision of this subsection by a licensee. Upon  
6 receipt of a written notification of violation, the Bureau shall  
7 give a reasonable notice to the licensee and hold a hearing. At the  
8 hearing, upon a determination that the licensee has violated any  
9 provision of this subsection, the licensee may be subject to an  
10 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may  
11 have the handgun license suspended for three (3) months.

12 Nothing contained in any provision of this subsection shall be  
13 construed to authorize or allow any college, university or  
14 technology center school to establish any policy or rule that has  
15 the effect of prohibiting any person in lawful possession of a  
16 handgun license or any person in lawful possession of a firearm,  
17 machete, blackjack, loaded cane, hand chain or metal knuckles from  
18 possession of a firearm, machete, blackjack, loaded cane, hand chain  
19 or metal knuckles in places described in paragraphs 1, 2 and 3 of  
20 this subsection. Nothing contained in any provision of this  
21 subsection shall be construed to limit the authority of any college,  
22 university or technology center school in this state from taking  
23 administrative action against any student for any violation of any  
24 provision of this subsection.

1 H. The provisions of this section shall not apply to the  
2 following:

3 1. Any peace officer or any person authorized by law to carry a  
4 firearm in the course of employment;

5 2. District judges, associate district judges and special  
6 district judges, who are in possession of a valid handgun license  
7 issued pursuant to the provisions of the Oklahoma Self-Defense Act  
8 and whose names appear on a list maintained by the Administrative  
9 Director of the Courts, when acting in the course and scope of  
10 employment within the courthouses of this state;

11 3. Private investigators with a firearms authorization when  
12 acting in the course and scope of employment;

13 4. Elected officials of a county, who are in possession of a  
14 valid handgun license issued pursuant to the provisions of the  
15 Oklahoma Self-Defense Act, may carry a concealed handgun when acting  
16 in the performance of his or her duties within the courthouses of  
17 the county in which he or she was elected. The provisions of this  
18 paragraph shall not allow the elected county official to carry the  
19 handgun into a courtroom;

20 5. The sheriff of any county may authorize certain employees of  
21 the county, who possess a valid handgun license issued pursuant to  
22 the provisions of the Oklahoma Self-Defense Act, to carry a  
23 concealed handgun when acting in the course and scope of employment  
24 within the courthouse in the county in which the person is employed.

1 Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff  
2 from requiring additional instruction or training before granting  
3 authorization to carry a concealed handgun within the courthouse.  
4 The provisions of this paragraph and of paragraph 6 of this  
5 subsection shall not allow the county employee to carry the handgun  
6 into a courtroom, sheriff's office, adult or juvenile jail or any  
7 other prisoner detention area; and

8         6. The board of county commissioners of any county may  
9 authorize certain employees of the county, who possess a valid  
10 handgun license issued pursuant to the provisions of the Oklahoma  
11 Self-Defense Act, to carry a concealed handgun when acting in the  
12 course and scope of employment on county annex facilities or grounds  
13 surrounding the county courthouse.

14         I. For the purposes of this section, "motor vehicle" means any  
15 automobile, truck, minivan, sports utility vehicle, or motorcycle,  
16 as defined in Section 1-135 of Title 47 of the Oklahoma Statutes,  
17 equipped with a locked accessory container within or affixed to the  
18 motorcycle.

19         SECTION 2.         AMENDATORY         21 O.S. 2021, Section 1290.22, is  
20 amended to read as follows:

21         Section 1290.22

22                                 BUSINESS OWNER'S RIGHTS

23         A. Except as provided in subsections B, C and D of this  
24 section, nothing contained in any provision of the Oklahoma Self-

1 Defense Act shall be construed to limit, restrict or prohibit in any  
2 manner the existing rights of any person, property owner, tenant,  
3 employer, liquor store, place of worship or business entity to  
4 control the possession of weapons on any property owned or  
5 controlled by the person or business entity.

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

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

18 D. No person, property owner, tenant, employer, liquor store,  
19 holder of an event permit, place of worship or business entity shall  
20 be permitted to establish any policy or rule that has the effect of  
21 prohibiting any person from carrying a concealed or unconcealed  
22 firearm on property within the specific exclusion provided for in  
23 paragraph 4 of subsection B of Section 1277 of this title; provided  
24

1 that carrying a concealed or unconcealed firearm may be prohibited  
2 in the following places:

3 1. The portion of a public property ~~structure or~~ building  
4 during an event authorized by the city, town, county, or state ~~or~~  
5 ~~federal~~ governmental authority owning or controlling such building  
6 ~~or structure~~;

7 2. Any public property sports field including any adjacent  
8 seating or adjacent area set aside for viewing a sporting event,  
9 where an elementary or secondary school, collegiate, or professional  
10 sporting event ~~or~~, an International Olympic Committee or  
11 organization or any committee subordinate to the International  
12 Olympic Committee event, a national softball tournament event at the  
13 Oklahoma Softball Hall of Fame Complex, or a national or  
14 international Quarter Horse event is being held;

15 ~~3. The fairgrounds during the Oklahoma State Fair or the Tulsa~~  
16 ~~State Fair;~~ and

17 ~~4.~~ 3. The portion of a public property ~~structure or~~ building  
18 that is leased or under contract to a business or not-for-profit  
19 entity or group for offices.

20 E. The otherwise lawful carrying of a concealed or unconcealed  
21 firearm by a person on property that has signs prohibiting the  
22 carrying of firearms shall subject the person to being denied  
23 entrance onto the property or removed from the property. If the  
24 person:

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

4 2. Refuses to leave the property and a peace officer is  
5 summoned, the person shall, upon conviction, be guilty of a  
6 misdemeanor punishable by a fine not to exceed Two Hundred Fifty  
7 Dollars (\$250.00).

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

1 property or in or about a business entity vehicle. The provisions  
2 of this subsection shall not apply to claims pursuant to the  
3 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 of this section shall prevent  
9 an employer, employee or person who has suffered loss resulting from  
10 the discharge of a weapon to seek redress or damages of the person  
11 who discharged the weapon or used the weapon outside the provisions  
12 of the Oklahoma Self-Defense Act.

13 SECTION 3. This act shall become effective November 1, 2022.

14  
15 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,  
16 dated 02/17/2022 - DO PASS, As Amended and Coauthored.

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