

1 ENGROSSED SENATE
2 BILL NO. 646

By: Bergstrom and Jett of the
Senate

3 and

4 Steagall and McDugle of the
5 House

6
7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1272.1, as amended by Section 2, Chapter 259,
9 O.S.L. 2012 (21 O.S. Supp. 2020, Section 1272.1),
10 which relates to the carrying of firearms where
11 liquor is consumed; updating statutory references;
12 modifying exception to include certain persons;
13 defining term; modifying scope of prohibited act;
14 modifying scope of prohibition against carrying a
15 weapon in a liquor establishment; reducing and
16 deleting certain penalties; amending 21 O.S. 2011,
17 Section 1290.22, as last amended by Section 12,
18 Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section
19 1290.22), which relates to business owners rights;
20 expanding construing provision to include liquor
21 stores; providing certain misdemeanor offense;
22 repealing 1272.2, as amended by Section 3, Chapter
23 259, O.S.L. 2012, which relates to penalty for
24 firearm in liquor establishment; and providing an
effective date.

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. 2020,
Section 1272.1), is amended to read as follows:

Section 1272.1

CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

1 A. It shall be unlawful for ~~any~~ a person to carry or possess
2 any weapon designated in Section 1272 of this title in any
3 establishment where ~~low-point beer~~ the sale of alcoholic beverages,
4 as defined by Section ~~163.2 of Title 37~~ 1-103 of Title 37A of the
5 Oklahoma Statutes, ~~or alcoholic beverages, as defined by Section 506~~
6 ~~of Title 37 of the Oklahoma Statutes, are consumed~~ constitutes the
7 primary purpose of the business. This provision shall not apply to
8 a:

9 1. A peace officer, as defined in Section 99 of this title, or
10 ~~to private investigators~~ investigator or armed security guard with a
11 firearms authorization when acting in the scope and course of
12 employment, ~~and shall not apply to an;~~

13 2. An owner or proprietor of the establishment having a pistol,
14 ~~rifle, or shotgun on the premises; or~~

15 3. An employee of the establishment who has permission from the
16 owner or proprietor of the establishment to carry or possess a
17 weapon while in the scope and course of employment.

18 B. Provided however, It shall be lawful for a person possessing
19 ~~a valid handgun license pursuant to the provisions of the Oklahoma~~
20 ~~Self-Defense Act may~~ to carry the concealed or unconcealed handgun
21 or possess any weapon designated in Section 1272 of this title into
22 any restaurant or other establishment licensed to dispense ~~low-point~~
23 ~~beer or alcoholic beverages where the sale of low-point beer or~~

1 alcoholic beverages does not constitute the primary purpose of the
2 business.

3 ~~Provided further, nothing~~ C. Nothing in this section shall be
4 interpreted to authorize any peace officer in actual physical
5 possession of a weapon to consume ~~low-point beer or~~ alcoholic
6 beverages, except in the authorized line of duty as an undercover
7 officer.

8 D. Nothing in this section shall be interpreted to authorize
9 any person, employee, private investigator or armed security guard
10 with or without a firearms authorization in actual physical
11 possession of a weapon to consume ~~low-point beer or~~ alcoholic
12 beverages in any establishment where ~~low-point beer or~~ alcoholic
13 beverages are consumed.

14 ~~B.~~ E. Any person violating the provisions of this section shall
15 upon conviction, be punished as provided in Section 1272.2 of this
16 title guilty of a misdemeanor punishable by a fine not to exceed Two
17 Hundred Fifty Dollars (\$250.00).

18 F. Any person who intentionally or knowingly carries or
19 possesses any weapon in violation of the provisions of this section
20 and refuses to leave the establishment or the property of the
21 establishment shall, upon conviction, be guilty of a misdemeanor
22 punishable by a fine not to exceed Two Hundred Fifty Dollars
23 (\$250.00).

24

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
24

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, the person ~~may be punished as provided in Section 1276 of~~
14 this title shall, upon conviction, be guilty of a misdemeanor
15 punishable by a fine not to exceed Two Hundred Fifty Dollars
16 (\$250.00).

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

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

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

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

22 SECTION 3. REPEALER 21 O.S. 2011, Section 1272.2, as
23 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
24 Section 1272.2), is hereby repealed.

