

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 823

By: Dahm

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2021, Section 1289.7a, which relates to transporting or storing firearms; removing certain prohibition; prohibiting certain policy or rule; amending 21 O.S. 2021, Section 1290.22, which relates to business owner's rights; removing certain prohibition; prohibiting certain policy or rule; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1289.7a, is amended to read as follows:

Section 1289.7a. A. No person, property owner, tenant, employer, or business entity shall maintain, establish, or enforce any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms or ammunition in a locked motor vehicle, or from transporting and storing firearms or ammunition locked in or locked to a motor vehicle on any property set aside for any motor vehicle.

B. No person, property owner, tenant, employer, or business entity shall ~~be liable in any civil action for occurrences which~~

1 ~~result from the storing of~~ establish or enforce any policy or rule
2 that prohibits any person or employee, except a convicted felon,
3 from transporting, carrying, or storing firearms or ammunition in a
4 locked motor vehicle on any property set aside for any motor
5 vehicle, ~~unless the person, property owner, tenant, employer, or~~
6 ~~owner of the business entity commits a criminal act involving the~~
7 ~~use of the firearms or ammunition. The provisions of this~~
8 ~~subsection shall not apply to claims pursuant to the Workers'~~
9 ~~Compensation Act~~ or a motor vehicle owned, leased, or rented by the
10 person or employee to conduct business for the business entity.

11 C. An individual may bring a civil action to enforce this
12 section. If a plaintiff prevails in a civil action related to the
13 personnel manual against a person, property owner, tenant, employer
14 or business for a violation of this section, the court shall award
15 actual damages, enjoin further violations of this section, and award
16 court costs and attorney fees to the prevailing plaintiff.

17 D. As used in this section, "motor vehicle" means any
18 automobile, truck, minivan, sports utility vehicle, motorcycle,
19 motor scooter, and any other vehicle required to be registered under
20 the Oklahoma Vehicle License and Registration Act.

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

23 Section 1290.22.

24 BUSINESS OWNER'S RIGHTS

1 A. Except as provided in subsections B, C and D of this
2 section, nothing contained in any provision of the Oklahoma Self-
3 Defense Act shall be construed to limit, restrict or prohibit in any
4 manner the existing rights of any person, property owner, tenant,
5 employer, liquor store, place of worship or business entity to
6 control the possession of weapons on any property owned or
7 controlled by the person or business entity.

8 B. No person, property owner, tenant, employer, liquor store,
9 holder of an event permit, place of worship or business entity shall
10 be permitted to establish any policy or rule that ~~has the effect of~~
11 ~~prohibiting~~ prohibits any person, except a convicted felon, from
12 transporting and storing firearms in a locked vehicle on any
13 property set aside for any vehicle or from transporting, carrying,
14 or storing firearms or ammunition in a motor vehicle owned, leased,
15 or rented by the person or employee while conducting business for
16 the business entity.

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

23 D. No person, property owner, tenant, employer, liquor store,
24 holder of an event permit, place of worship or business entity shall

1 be permitted to establish any policy or rule that has the effect of
2 prohibiting any person from carrying a concealed or unconcealed
3 firearm on property within the specific exclusion provided for in
4 paragraph 4 of subsection B of Section 1277 of this title; provided
5 that carrying a concealed or unconcealed firearm may be prohibited
6 in the following places:

7 1. The portion of a public property structure or building
8 during an event authorized by the city, town, county, state or
9 federal governmental authority owning or controlling such building
10 or structure;

11 2. Any public property sports field including any adjacent
12 seating or adjacent area set aside for viewing a sporting event,
13 where an elementary or secondary school, collegiate, or professional
14 sporting event or an International Olympic Committee or organization
15 or any committee subordinate to the International Olympic Committee
16 event is being held;

17 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
18 State Fair; and

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

22 E. The otherwise lawful carrying of a concealed or unconcealed
23 firearm by a person on property that has signs prohibiting the
24 carrying of firearms shall subject the person to being denied

1 entrance onto the property or removed from the property. If the
2 person:

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

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

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

1 any liability arising from the carrying of a concealed or
2 unconcealed weapon, while in the scope of employment, on the
3 property or in or about a business entity vehicle. The provisions
4 of this subsection shall not apply to claims pursuant to the
5 Administrative Workers' Compensation Act.

6 G. It shall not be considered part of an employee's job
7 description or within the employee's scope of employment if an
8 employee is allowed to carry or discharge a weapon pursuant to this
9 section.

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

15 SECTION 3. This act shall become effective November 1, 2023.

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