

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1419

By: Dahm

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Security Guard and
8 Private Investigator Act; amending 59 O.S. 2021,
9 Section 1750.2, which relates to definitions;
10 modifying definition; amending 21 O.S. 2021, Section
11 1320.10, which relates to teaching, demonstrating, or
12 training in the use of firearms, explosives, or
13 incendiary devices in furtherance of rioting or civil
14 disorder; prohibiting certain interpretation;
15 amending 21 O.S. 2021, Section 1272, which relates to
16 unlawful carry; allowing certain carry for certain
17 weapons; and providing an effective date.

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

19 SECTION 1. AMENDATORY 59 O.S. 2021, Section 1750.2, is
20 amended to read as follows:

21 Section 1750.2. As used in the Oklahoma Security Guard and
22 Private Investigator Act:

23 1. "Client" means any person or legal entity having a contract
24 with a person or entity licensed pursuant to the Oklahoma Security
Guard and Private Investigator Act, which contract authorizes
services to be performed in return for financial or other
considerations;

1 2. "Council" means the Council on Law Enforcement Education and
2 Training;

3 3. "License" means authorization issued by the Council pursuant
4 to the Oklahoma Security Guard and Private Investigator Act
5 permitting the holder to perform the functions of a security guard,
6 armed security guard, private investigator, investigative agency, or
7 security agency;

8 4. "Private investigator" means a person who is self-employed,
9 or contracts with, or is employed by an investigative agency for the
10 purpose of conducting a private investigation and reporting the
11 results to the employer or client of the employer relating to:

- 12 a. potential or pending litigation, civil or criminal,
- 13 b. divorce or other domestic investigations,
- 14 c. missing persons or missing property, or
- 15 d. other lawful investigations, but shall not include:

16 (1) a person authorized or employed by the United
17 States government, any state government, or any
18 agency, department, or political subdivision
19 thereof while engaged in the performance of
20 official duties,

21 (2) a person or employee of a firm, corporation or
22 other legal entity engaged exclusively in a
23 profession licensed by any board, commission,
24 department or court of this state, or

1 (3) a bona fide, salaried, full-time employee of a
2 firm, corporation or other legal entity not in
3 the primary business of soliciting and providing
4 private investigations, who conducts
5 investigations that are exclusive to and
6 incidental to the primary business of said firm,
7 corporation or entity, and when the costs of such
8 investigations are not charged directly back to
9 the particular client or customer who directly
10 benefits from the investigation;

11 5. "Armed private investigator" means a private investigator
12 authorized to carry a firearm;

13 6. "Security agency" means a person, firm, corporation, or
14 other private legal entity in the business of security guard
15 services or armed security guards for hire;

16 7. "Security guard" means an individual contracting with or
17 employed by a security agency, private business or person to prevent
18 trespass, theft, misappropriation, wrongful concealment of
19 merchandise, goods, money or other tangible items, or engaged as a
20 bodyguard or as a private watchman to protect persons or property,
21 but shall not include:

22 a. for individuals operating unarmed, any person employed
23 as a private watchman or security guard by one
24 employer only in connection with the affairs of such

1 employer where there exists an employer-employee
2 relationship,

3 b. a full-time or active reserve certified peace officer
4 of the United States, this state, or any political
5 subdivision of either:

6 (1) while such peace officer is engaged in the
7 performance of his or her official duties within
8 the course and scope of his or her employment
9 with the United States, this state, or any
10 political subdivision of either,

11 (2) while such peace officer is engaged in the
12 performance of his or her duties as a railroad
13 police officer,

14 (3) who receives compensation for private employment
15 on an individual or an individual independent
16 contractual basis as a patrolman, guard, or
17 watchman if such person is employed in an
18 employer-employee relationship or is employed on
19 an individual contractual basis, or

20 (4) who receives compensation from an employer-
21 employee relationship or an individual
22 independent contractor basis with any licensed
23 security agency as defined in this section or any
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1 private business or person to perform security or
2 investigative services,

3 c. any person whose terms of employment as a security
4 guard are governed by a collective bargaining
5 agreement on May 9, 1989, ~~and~~

6 d. any person who is employed as a full-time security
7 guard by a financial institution on May 9, 1989, and

8 e. any official, employee, or person appointed by the
9 governing body of a house of worship who serves as an
10 uncompensated security volunteer, or any uncompensated
11 volunteer who consults or trains other uncompensated
12 security volunteers at the request of the governing
13 body of a house of worship;

14 8. "Armed security guard" means a security guard authorized to
15 carry a firearm;

16 9. "Investigative agency" means a self-employed private
17 investigator, a firm, a corporation, or other private legal entity
18 in the business of soliciting the business of private investigation
19 and/or providing private investigations and investigators;

20 10. "Special event" means a public activity in the form of an
21 athletic contest, charity event, exposition or similar event that
22 occurs only on an annual or noncontinuing basis; and

23 11. "Special event license" means a temporary license issued
24 pursuant to the Oklahoma Security Guard and Private Investigator Act

1 which restricts the license holder to employment as a security guard
2 only for the duration of a particular event.

3 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1320.10, is
4 amended to read as follows:

5 Section 1320.10. A. No person, except those specifically
6 authorized by the state or federal government, shall:

7 1. Teach or demonstrate to any group of persons the use,
8 application or making of any firearm, explosive or incendiary device
9 or application of physical force capable of causing injury or death
10 to a person knowing or intending that such firearm, explosive or
11 incendiary device or application of physical force will be employed
12 for use in, or in furtherance of, a riot or civil disorder; or

13 2. Assemble with one or more persons for the purpose of
14 training with, practicing with or being instructed in the use of any
15 firearm, explosive or incendiary device or application of physical
16 force capable of causing injury or death to a person, intending to
17 employ such firearm, explosive or incendiary device or application
18 of physical force for use in, or in furtherance of, a riot or civil
19 disorder. Any violation of this section shall be a felony.

20 B. "For use in a riot" shall not be interpreted to include
21 assembly, organization, and training to defend against riot or civil
22 disorder.

23 C. Additionally, the aforementioned term shall not be
24 interpreted to include civilian instructors for firearms, martial

1 arts, security, nor shall it be interpreted to include civil defense
2 volunteers, staff who supervise them, or volunteers who train
3 security volunteers.

4 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1272, is
5 amended to read as follows:

6 Section 1272.

7 UNLAWFUL CARRY

8 A. Notwithstanding any other provision of law, it shall be
9 unlawful for any person to carry upon or about his or her person, or
10 in a purse or other container belonging to the person, any pistol,
11 revolver, shotgun or rifle whether loaded or unloaded or any
12 blackjack, loaded cane, hand chain, metal knuckles, or any other
13 offensive weapon, whether such weapon be concealed or unconcealed,
14 except this section shall not prohibit:

15 1. The proper use of guns, striking weapons including but not
16 limited to batons, truncheons, nightsticks, and collapsible batons,
17 and knives for self-defense, hunting, fishing, educational or
18 recreational purposes;

19 2. The carrying or use of weapons in a manner otherwise
20 permitted by statute or authorized by the Oklahoma Self-Defense Act;

21 3. The carrying, possession and use of any weapon by a peace
22 officer or other person authorized by law to carry a weapon in the
23 performance of official duties and in compliance with the rules of
24 the employing agency;

1 4. The carrying or use of weapons in a courthouse by a district
2 judge, associate district judge or special district judge within
3 this state, who is in possession of a valid handgun license issued
4 pursuant to the provisions of the Oklahoma Self-Defense Act and
5 whose name appears on a list maintained by the Administrative
6 Director of the Courts;

7 5. The carrying and use of firearms and other weapons provided
8 in this subsection when used for the purpose of living history
9 reenactment. For purposes of this paragraph, "living history
10 reenactment" means depiction of historical characters, scenes,
11 historical life or events for entertainment, education, or
12 historical documentation through the wearing or use of period,
13 historical, antique or vintage clothing, accessories, firearms,
14 weapons, and other implements of the historical period; or

15 6. The transporting by vehicle on a public roadway or the
16 carrying of a firearm, concealed or unconcealed, loaded or unloaded,
17 by a person who is twenty-one (21) years of age or older or by a
18 person who is eighteen (18) years of age but not yet twenty-one (21)
19 years of age and the person is a member or veteran of the United
20 States Armed Forces, Reserves or National Guard or was discharged
21 under honorable conditions from the United States Armed Forces,
22 Reserves or National Guard, and the person is otherwise not
23 disqualified from the possession or purchase of a firearm under
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1 state or federal law and is not carrying the firearm in furtherance
2 of a crime.

3 Except as provided in subsection B of Section 1283 of this
4 title, a person who has been convicted of any one of the following
5 offenses in this state or a violation of the equivalent law of
6 another state:

- 7 a. assault and battery pursuant to the provisions of
8 Section 644 of this title which caused serious
9 physical injury to the victim,
- 10 b. aggravated assault and battery pursuant to the
11 provisions of Section 646 of this title,
- 12 c. assault and battery that qualifies as domestic abuse
13 as defined in Section 644 of this title,
- 14 d. stalking pursuant to the provisions of Section 1173 of
15 this title,
- 16 e. a violation of an order issued under the Protection
17 from Domestic Abuse Act or a domestic abuse protection
18 order issued by another state, or
- 19 f. a violation relating to illegal drug use or possession
20 under the provisions of the Uniform Controlled
21 Dangerous Substances Act,

22 shall be prohibited from carrying a firearm under the provisions of
23 this paragraph. Any person who carries a firearm in the manner
24 provided for in this paragraph shall be prohibited from carrying the
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1 firearm into any of the places prohibited in subsection A of Section
2 1277 of this title or any other place currently prohibited by law.
3 Nothing in this section shall modify or otherwise change where a
4 person may legally carry a firearm.

5 B. Any person convicted of violating the foregoing provision
6 shall be guilty of a misdemeanor punishable as provided in Section
7 1276 of this title.

8 SECTION 4. This act shall become effective November 1, 2022.

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