

1 **SENATE FLOOR VERSION**

2 April 11, 2017

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2322

6 By: Coody, McDugle, Faught,
7 Bennett (John), Calvey,
8 Gann and Roberts (Sean) of
9 the House

10 and

11 Dahm and Brecheen of the
12 Senate

13
14 **[firearms - Oklahoma Firearms Act of 1971 -
15 preemption provision and certain mandate - effective
16 date]**

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as
19 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
20 2016, Section 1289.24), is amended to read as follows:

21 Section 1289.24

22 FIREARM REGULATION - STATE PREEMPTION

23 A. 1. The State Legislature hereby occupies and preempts the
24 entire field of legislation in this state touching in any way
25 firearms, knives, firearm and ammunition components, ammunition, and
26 supplies to the complete exclusion of any order, policy, ordinance,
27 or regulation by any municipality, agency or other political

1 subdivision of this state. Any existing or future orders, policies,
2 ordinances, or regulations in this field, except as provided for in
3 paragraph 2 of this subsection and subsection C of this section, are
4 null and void.

5 2. A municipality may adopt any ordinance:

6 a. relating to the discharge of firearms within the
7 jurisdiction of the municipality, and

8 b. allowing the municipality to issue a traffic citation
9 for transporting a firearm improperly as provided for
10 in Section 1289.13A of this title, provided however,
11 that penalties contained for violation of any
12 ordinance enacted pursuant to the provisions of this
13 subparagraph shall not exceed the penalties
14 established in the Oklahoma Self-Defense Act.

15 3. As provided in the preemption provisions of this section,
16 the otherwise lawful open carrying of a handgun under the provisions
17 of the Oklahoma Self-Defense Act shall not be punishable by any
18 municipality, agency or other political subdivision of this state as
19 disorderly conduct, disturbing the peace or similar offense against
20 public order.

21 4. A public or private school may create a policy regulating
22 the possession of knives on school property or in any school bus or
23 vehicle used by the school for purposes of transportation.

24

1 B. No municipality, agency or other political subdivision of
2 this state shall adopt any order, policy, ordinance, or regulation
3 concerning in any way the sale, purchase, purchase delay, transfer,
4 ownership, use, keeping, possession, carrying, bearing,
5 transportation, licensing, permit, registration, taxation other than
6 sales and compensating use taxes, or other controls on firearms,
7 knives, firearm and ammunition components, ammunition, and supplies.

8 C. Except as hereinafter provided, this section shall not
9 prohibit any order, policy, ordinance, or regulation by any
10 municipality concerning the confiscation of property used in
11 violation of the ordinances of the municipality as provided for in
12 Section 28-121 of Title 11 of the Oklahoma Statutes. Provided,
13 however, no municipal ordinance relating to transporting a firearm
14 or knife improperly may include a provision for confiscation of
15 property.

16 D. ~~When a person's rights pursuant to the protection of the~~
17 ~~preemption provisions of this section have been violated, the A~~
18 ~~person adversely affected by any order, policy, ordinance or~~
19 ~~regulation promulgated or enforced by any municipality, agency or~~
20 ~~other political subdivision of this state in violation of the~~
21 ~~preemption provisions of this section~~ shall have the right to bring
22 a civil action against the persons, municipality, ~~and~~ agency or
23 political subdivision jointly and severally for injunctive relief or
24 monetary damages or both.

1 E. A court shall award reasonable expenses to a person
2 adversely affected in an action filed pursuant to the provisions of
3 subsection D of this section if:

4 1. A court grants a final determination in favor of the person
5 adversely affected; or

6 2. The order, policy, ordinance or regulation in question is
7 rescinded, repealed or otherwise abrogated after a lawsuit has been
8 filed pursuant to the provisions of subsection D of this section but
9 before a final determination by the court.

10 F. As used in this section:

11 1. "Person adversely affected" means:

12 a. a resident of this state who may legally possess under
13 federal and state law an item listed in paragraph 1 of
14 subsection A of this section, and

15 b. any person who otherwise has standing under the laws
16 of this state to bring an action pursuant to the
17 provisions of subsection D of this section; and

18 2. "Reasonable expenses" includes, but shall not be limited to,
19 attorney fees, expert witness fees and court costs.

20 SECTION 2. This act shall become effective November 1, 2017.

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
22 April 11, 2017 - DO PASS AS AMENDED
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