

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 894

By: Dahm

AS INTRODUCED

An Act relating to firearms regulation; amending 21 O.S. 2011, Section 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Section 1289.24), which relates to state preemption of firearm regulation; modifying inclusions; clarifying language relating to right to bring certain action; directing award of certain expenses; providing definition; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Section 1289.24), is amended to read as follows:

Section 1289.24.

FIREARM REGULATION - STATE PREEMPTION

A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, knives, firearm and ammunition components, ammunition, and supplies to the complete exclusion of any order, policy, ordinance, 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 person~~  
18 by any order, policy, ordinance or regulation promulgated or  
19 enforced by any municipality, agency or other political subdivision  
20 of this state, the person shall have the right to bring a civil  
21 action against the persons, municipality, ~~and~~ agency or political  
22 subdivision jointly and severally for injunctive relief or monetary  
23 damages or both.

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

4 1. A court grants final determination in favor of the person;

5 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 filed determination by the court.

10 F. A court shall award to a municipality or political  
11 subdivision reasonable expenses if a municipality or political  
12 subdivision prevails in the action.

13 G. As used in this section "reasonable expenses" includes, but  
14 shall not be limited to, attorney fees, expert witness fees and  
15 court costs.

16 SECTION 2. This act shall become effective November 1, 2019.

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