

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 894

By: Dahm

4
5
6 AS INTRODUCED

7 An Act relating to firearms regulation; amending 21
8 O.S. 2011, Section 1289.24, as last amended by
9 Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
10 2018, Section 1289.24), which relates to state
11 preemption of firearm regulation; modifying
12 inclusions; clarifying language relating to right to
13 bring certain action; directing award of certain
14 expenses; providing definition; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as
18 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
19 2018, Section 1289.24), is amended to read as follows:

20 Section 1289.24.

21 FIREARM REGULATION - STATE PREEMPTION

22 A. 1. The State Legislature hereby occupies and preempts the
23 entire field of legislation in this state touching in any way
24 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.

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.

17
18 57-1-642 BHG 2/6/2019 9:33:26 AM