

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 3036

By: Manger

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8 COMMITTEE SUBSTITUTE

9 An Act relating to firearms; amending 21 O.S. 2011,  
10 Section 1289.24, as last amended by Section 8,  
11 Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section  
12 1289.24), which relates to the Oklahoma Firearms Act  
13 of 1971; clarifying preemption provision and certain  
14 mandate; specifying circumstances that authorize the  
15 filing of civil actions against certain persons or  
16 entities; providing for the award of reasonable  
17 expenses under certain circumstances; providing  
18 procedures; defining term; and providing an effective  
19 date.

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

21 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as  
22 last amended by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
23 2019, Section 1289.24), is amended to read as follows:

24 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

1 firearms, knives, firearm and ammunition components, ammunition, and  
2 supplies to the complete exclusion of any order, policy, ordinance,  
3 or regulation by any municipality, or other political subdivision of  
4 this state. Any existing or future orders, policies, ordinances, or  
5 regulations in this field, except as provided for in paragraph 2 of  
6 this subsection and subsection C of this section, are null and void.

7 2. A municipality may adopt any ordinance:

8 a. relating to the discharge of firearms within the  
9 jurisdiction of the municipality, and

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

17 3. As provided in the preemption provisions of this section,  
18 the otherwise lawful carrying or possession of a firearm under the  
19 provisions of Chapter 53 of this title shall not be punishable by  
20 any municipality or other political subdivision of this state as  
21 disorderly conduct, disturbing the peace or similar offense against  
22 public order.

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

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

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

19 D. When a person's rights pursuant to the protection of the  
20 preemption provisions of this section have been violated by any  
21 order, policy, ordinance or regulation promulgated or enforced by  
22 any person, municipality, agency or other political subdivision of  
23 this state, the person shall have the right to bring a civil action  
24 against the persons, municipality, agency and political subdivision

1 jointly and severally for injunctive relief or monetary damages or  
2 both.

3 E. A court may require the political subdivision to pay  
4 reasonable expenses to a person in an action filed pursuant to the  
5 provisions of subsection D of this section if:

6 1. The aggrieved party first provides written notice of the  
7 unlawful order, policy, ordinance or regulation by certified first-  
8 class mail or service of process and allows the political  
9 subdivision ninety (90) days to rescind, repeal or otherwise  
10 abrogate the order, policy, ordinance or regulation; and

11 2. A court grants final determination in favor of the person.

12 If the political subdivision fails to rescind, repeal or  
13 otherwise abrogate the unlawful order, policy, ordinance or  
14 regulation within ninety (90) days of required notice as provided in  
15 paragraph 1 of this subsection and the order, policy, ordinance or  
16 regulation is subsequently rescinded, repealed or otherwise  
17 abrogated after the aggrieved party files suit, the aggrieved party  
18 shall retain standing in the suit and may recover damages or  
19 reasonable expenses.

20 F. As used in this section, "reasonable expenses" includes, but  
21 is not limited to, attorney fees, expert witness fees and court  
22 costs.

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SECTION 2. This act shall become effective November 1, 2020.

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