

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1405

By: Dollens

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 21 O.S. 2011,
8 Section 1289.24, as last amended by Section 1,
9 Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2016, Section
10 1289.24), which relates to firearm regulation;
11 permitting school to create policy regulating
12 possession of knives by students; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as
16 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
17 2016, Section 1289.24), is amended to read as follows:

18 Section 1289.24

19 FIREARM REGULATION - STATE PREEMPTION

20 A. 1. The State Legislature hereby occupies and preempts the
21 entire field of legislation in this state touching in any way
22 firearms, knives, components, ammunition, and supplies to the
23 complete exclusion of any order, ordinance, or regulation by any
24 municipality or other political subdivision of this state. Any
existing or future orders, ordinances, or regulations in this field,

1 except as provided for in paragraph 2 of this subsection and
2 subsection C of this section, are null and void.

3 2. A municipality may adopt any ordinance:

4 a. relating to the discharge of firearms within the
5 jurisdiction of the municipality, and

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

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

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

23 B. No municipality or other political subdivision of this state
24 shall adopt any order, ordinance, or regulation concerning in any

1 way the sale, purchase, purchase delay, transfer, ownership, use,
2 keeping, possession, carrying, bearing, transportation, licensing,
3 permit, registration, taxation other than sales and compensating use
4 taxes, or other controls on firearms, knives, components,
5 ammunition, and supplies.

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

13 D. When a person's rights pursuant to the protection of the
14 preemption provisions of this section have been violated, the person
15 shall have the right to bring a civil action against the persons,
16 municipality, and political subdivision jointly and severally for
17 injunctive relief or monetary damages or both.

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

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20 56-1-6271 AM 01/10/17

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