

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 775

By: Scott

AS INTRODUCED

An Act relating to firearm preemption; 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 regulation; modifying inclusions; allowing certain action; allowing certain expenses; 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 subdivision of this state. Any existing or future orders, policies,

1 ordinances, or regulations in this field, except as provided for in  
2 paragraph 2 of this subsection and subsection C of this section, are  
3 null and void.

4 2. A municipality may adopt any ordinance:

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

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

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

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

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

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

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

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

22 E. A court shall award reasonable expenses to a person in an  
23 action filed pursuant to the provisions of subsection D of this  
24

1 section if a court grants a final determination in favor of the  
2 person.

3 F. A court shall award to a municipality or political  
4 subdivision reasonable expenses if a municipality or political  
5 subdivision prevails in the action.

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

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

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