

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1605

By: Bullard

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5
6 AS INTRODUCED

7 An Act relating to firearm preemption; amending 21
8 O.S. 2011, Section 1289.24, as last amended by
9 Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
10 2019, Section 1289.24), which relates to state
preemption regulation; modifying inclusions; allowing
11 certain action; allowing certain expenses; providing
12 definition; and providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as
15 last amended by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
16 2019, Section 1289.24), is amended to read as follows:

17 Section 1289.24.

18 FIREARM REGULATION - STATE PREEMPTION

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

1 regulations in this field, except as provided for in paragraph 2 of
2 this subsection and 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 carrying or possession of a firearm under the
15 provisions of Chapter 53 of this title shall not be punishable by
16 any 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 on school property or in any school bus or
21 vehicle used by the school for purposes of transportation.

22 B. No municipality or other political subdivision of this state
23 shall adopt any order, policy, ordinance, or regulation concerning
24 in any way the sale, purchase, purchase delay, transfer, ownership,

1 use, keeping, possession, carrying, bearing, transportation,
2 licensing, permit, registration, taxation other than sales and
3 compensating use taxes, or other controls on firearms, knives,
4 firearm and ammunition components, ammunition, and supplies.

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

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

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

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

2 or

3 2. The order, policy, ordinance or regulation in question is
4 rescinded, repealed or otherwise abrogated after a lawsuit has been
5 filed pursuant to the provisions of subsection D of this section but
6 before a final determination by the court.

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

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

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