

1 ENGROSSED HOUSE
2 BILL NO. 2322

By: Coody, McDugle, Faught,
Bennett (John), Calvey,
Gann and Roberts (Sean) of
the House

4 and

5 Dahm and Brecheen of the
6 Senate

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8
9 An Act relating to firearms; amending 21 O.S. 2011,
10 Section 1289.24, as last amended by Section 1,
11 Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2016, Section
12 1289.24), which relates to the Oklahoma Firearms Act
13 of 1971; clarifying preemption provision and certain
14 mandate; modifying requirements for persons filing
15 civil actions; providing for reasonable expenses
16 under certain circumstances; defining terms; and
17 providing an effective date.

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

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

22 Section 1289.24

23 FIREARM REGULATION - STATE PREEMPTION

24 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

1 supplies to the complete exclusion of any order, policy, ordinance,
2 or regulation by any municipality, agency or other political
3 subdivision of this state. Any existing or future orders, policies,
4 ordinances, or regulations in this field, except as provided for in
5 paragraph 2 of this subsection and subsection C of this section, are
6 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 open carrying of a handgun under the provisions
19 of the Oklahoma Self-Defense Act shall not be punishable by any
20 municipality, agency 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, agency or other political subdivision of
5 this state shall adopt any order, policy, ordinance, or regulation
6 concerning in any way the sale, purchase, purchase delay, transfer,
7 ownership, use, keeping, possession, carrying, bearing,
8 transportation, licensing, permit, registration, taxation other than
9 sales and compensating use taxes, or other controls on firearms,
10 knives, 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, the A~~
21 person adversely affected by any order, policy, ordinance or
22 regulation promulgated or enforced by any municipality, agency or
23 other political subdivision of this state in violation of the
24 preemption provisions of this section shall have the right to bring

1 a civil action against the persons, municipality, ~~and~~ agency or
2 political subdivision jointly and severally for injunctive relief or
3 monetary damages or both.

4 E. A court shall award reasonable expenses to a person
5 adversely affected in an action filed pursuant to the provisions of
6 subsection D of this section if:

7 1. A court grants a final determination in favor of the person
8 adversely affected; or

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

13 F. As used in this section:

14 1. "Person adversely affected" means:

15 a. a resident of this state who may legally possess under
16 federal and state law an item listed in paragraph 1 of
17 subsection A of this section, and

18 b. any person who otherwise has standing under the laws
19 of this state to bring an action pursuant to the
20 provisions of subsection D of this section; and

21 2. "Reasonable expenses" includes, but shall not be limited to,
22 attorney fees, expert witness fees and court costs.

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

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1 Passed the House of Representatives the 20th day of March, 2017.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2017.

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9 Presiding Officer of the Senate