

ENROLLED HOUSE
BILL NO. 1832

By: Paulk and Nance of the
House

and

Helton of the Senate

An Act relating to the firearms; amending 21 O.S. 2001, Section 1289.24, as amended by Section 5, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2003, Section 1289.24), which relates to state preemption of firearm regulation; adding exception to state preemption; limiting penalty; limiting scope of certain municipal ordinances; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1289.24, as amended by Section 5, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2003, Section 1289.24), is amended to read as follows:

FIREARM REGULATION - STATE PREEMPTION

Section 1289.24 A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void. ~~Provided, however,~~
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2. A municipality may adopt any ordinance:

- a. relating to the discharge of firearms within the jurisdiction of the municipality, and
- b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title, provided however, that penalties contained for violation of any ordinance enacted pursuant to the provisions of this subparagraph shall not exceed the penalties established in the Oklahoma Self-Defense Act.

B. No municipality or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing,

permit, registration, taxation other than sales and compensating use taxes, or other controls on firearms, components, ammunition, and supplies.

C. ~~Nothing contained in~~ Except as hereinafter provided, this section shall not prohibit any order, ordinance, or regulation by any municipality concerning the confiscation of property used in violation of the ordinances of the municipality as provided for in Section 28-121 of Title 11 of the Oklahoma Statutes. Provided, however, no municipal ordinance relating to transporting a firearm improperly may include a provision for confiscation of property.

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

SECTION 2. This act shall become effective November 1, 2004.

Passed the House of Representatives the 28th day of April, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 21st day of April, 2004.

Presiding Officer of the Senate