

1 ENGROSSED HOUSE AMENDMENTS  
TO  
2 ENGROSSED SENATE BILL NO. 1760

By: Sykes, Allen, Garrison,  
Russell, Shortey, Simpson  
and Jolley of the Senate

4 and

5 Shannon of the House

6  
7  
8 An Act relating to the Oklahoma Riot Control and  
Prevention Act; amending 21 O.S. 2011, Section  
9 1321.4, which relates to prohibited acts; providing  
10 that certain provisions shall not be construed to  
allow certain actions by certain officials under  
11 certain circumstances; and providing an effective  
date.

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14 AUTHORS: Add the following House Coauthors: Johnson, Bennett,  
Derby, Vaughan, Christian, Lockhart, Moore and Kern

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16 AMENDMENT NO. 1. Page 2, Section 1, Lines 23 and 24, delete the  
17 word "Nothing" on line 23 through the word "to" on  
line 24 and insert

18 "Notwithstanding this section or any other law of this state,  
19 neither the Governor nor any official of a municipal or state entity  
20 shall"

21 AMENDMENT NO. 2. Page 3, Section 1, line 8 1/2, insert a new  
22 subsection D to read

23 "D. Any individual aggrieved by a violation of subsection B of  
24 this section may seek relief in an action at law or in equity for

1 redress against any person who subjects such individual or causes  
2 such individual to be subjected to an action prohibited by  
3 subsection B of this section. In addition to any other remedy at  
4 law or in equity, an individual aggrieved by the seizure or  
5 confiscation of a firearm or ammunition in violation of subsection B  
6 of this section may bring an action for the return of such firearm  
7 or ammunition in the district court of the county in which that  
8 individual resides or in which such firearm or ammunition is  
9 located. In any action or proceeding to enforce the provisions of  
10 this section, the court shall award the prevailing plaintiff costs  
11 and reasonable attorney fees."

12 and amend title to conform

13 Passed the House of Representatives the 26th day of April, 2012.

16 \_\_\_\_\_  
17 Presiding Officer of the House of  
Representatives

18 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2012.

21 \_\_\_\_\_  
22 Presiding Officer of the Senate

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1321.4, is  
16 amended to read as follows:

17 Section 1321.4. ~~(a)~~ A. The Governor during the existence of a  
18 state of emergency, by proclamation, may, in the area described by  
19 the proclamation, which ~~said~~ proclamation shall not cover any part  
20 or portion of the state not affected by public disorder, disaster,  
21 or riot at the time ~~said~~ the proclamation is issued, prohibit:

22 ~~(1) any~~ 1. Any person being on the public streets, or in the  
23 public parks or at any other public place during the hours declared  
24 by the Governor to be a period of curfew;

1       ~~(2)~~ a 2. A designated number of persons, as designated by the  
2 Governor, from assembling or gathering on the public streets, parks,  
3 or other open areas of this state, either public or private;

4       ~~(3)~~ the 3. The manufacture, transfer, use, possession or  
5 transportation of a molotov cocktail or any other device, instrument  
6 or object designed to explode or produce uncontained combustion;

7       ~~(4)~~ the 4. The transporting, possessing or using of gasoline,  
8 kerosene, or combustible, flammable, or explosive liquids or  
9 materials in a glass or uncapped container of any kind except in  
10 connection with the normal operation of motor vehicles, normal home  
11 use or legitimate commercial use;

12       ~~(5)~~ the 5. The sale, purchase or dispensing of alcoholic  
13 beverages;

14       ~~(6)~~ the 6. The sale, purchase or dispensing of other  
15 commodities or goods, as ~~he~~ the Governor reasonably believes should  
16 be prohibited to help preserve and maintain life, health, property  
17 or the public peace;

18       ~~(7)~~ the 7. The use of certain streets, highways or public ways  
19 by the public; and

20       ~~(8)~~ such 8. Such other activities as ~~he~~ the Governor  
21 reasonably believes should be prohibited to help preserve and  
22 maintain life, health, property or the public peace.

23       ~~(b)~~ B. Nothing in this section shall be construed to allow any  
24 official of a municipal or state entity to prohibit or suspend the

1 sale, ownership, possession, transportation, carrying, transfer and  
2 storage of firearms, ammunition and ammunition accessories during a  
3 declared state of emergency, that are otherwise legal under state  
4 law.

5 C. In imposing the restrictions provided for by ~~this act~~ the  
6 Oklahoma Riot Control and Prevention Act, the Governor may impose  
7 them for such times, upon such conditions, with such exceptions and  
8 in such areas of this state the Governor from time to time deems  
9 necessary.

10 SECTION 2. This act shall become effective November 1, 2012.

11 Passed the Senate the 13th day of March, 2012.

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13 \_\_\_\_\_  
14 Presiding Officer of the Senate

15 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
16 2012.

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18 \_\_\_\_\_  
19 Presiding Officer of the House  
20 of Representatives

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