

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 2102

By: Moore

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6 AS INTRODUCED

7 An Act relating to property; creating the Oklahoma  
8 Community Protection Act; defining terms; prohibiting  
9 adoption of policies that restrict private property  
10 rights without due process; listing specific due  
11 process elements; providing exception; declaring  
12 certain changes be subject to change; providing  
13 monies to be property of political subdivision;  
14 nullifying private property restrictions without due  
15 process; specifying damages and attorney fees;  
16 providing for codification; and providing an  
17 effective date.

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1 partnership or any other public entity of the state, a county, city,  
2 town or municipality; and

3 2. "Private property rights" mean the right of ownership,  
4 possession, unrestricted right of use, right of control, right of  
5 enjoyment and right of disposal of purchased or deeded private  
6 property.

7 C. The state or any political subdivision of the state shall  
8 not adopt or implement policy recommendations that deliberately or  
9 inadvertently infringe upon or restrict private property rights  
10 without due process, including but not limited to notice, official  
11 public hearings and a vote of the people, as may be required by  
12 policy recommendations originating in or traceable to any  
13 international or federal courts, laws, opinions, rulings,  
14 regulations, codes, restrictions or executive orders. However,  
15 nothing in this subsection shall restrict the state or any political  
16 subdivision from acquiring property for public use or public good  
17 through the eminent domain process, except in instances where  
18 legally purchased or deeded private property is acquired by  
19 exercising eminent domain in order to resell to a private interest  
20 or generate revenue. Any changes made due to any international or  
21 federal actions shall not be considered permanent and shall be  
22 subject to change. Any money allocated, accepted, spent or promised  
23 shall be considered the property of the affected political  
24 subdivision of the state, and any debt or commitment to an

1 international or federal entity whereby the citizens did not have  
2 the ability to exercise their constitutional rights shall be  
3 considered null and void.

4 D. Any attempt to restrict private property rights without due  
5 process of law shall be deemed null and void per the Oklahoma  
6 Constitution and the United States Constitution. In the event any  
7 court determines a property owner's constitutional rights have been  
8 violated, damages shall be awarded in favor of the property owner at  
9 an amount not less than ten times the property value as assessed in  
10 the previous year by the county assessor of the county in which the  
11 property is located and treble attorney fees shall be awarded.

12 SECTION 2. This act shall become effective November 1, 2015.

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14 55-1-6168 EK 12/31/14  
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