

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1760 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: T.W. Shannon

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

PROPOSED COMMITTEE
SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1760

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

and

Shannon of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Riot Control and
Prevention Act; amending 21 O.S. 2011, Section
1321.4, which relates to prohibited acts; prohibiting
certain officials from doing certain acts during a
declared state of emergency; authorizing aggrieved
persons to seek certain relief; providing for the
award of costs and fees; and providing an effective
date.

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

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

Section 1321.4 ~~(a)~~ A. The Governor during the existence of a
state of emergency, by proclamation, may, in the area described by
the proclamation, which ~~said~~ proclamation shall not cover any part

1 or portion of the state not affected by public disorder, disaster,
2 or riot at the time ~~said~~ the proclamation is issued, prohibit:

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

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

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

12 ~~(4)—the~~ 4. The transporting, possessing or using of gasoline,
13 kerosene, or combustible, flammable, or explosive liquids or
14 materials in a glass or uncapped container of any kind except in
15 connection with the normal operation of motor vehicles, normal home
16 use or legitimate commercial use;

17 ~~(5)—the~~ 5. The sale, purchase or dispensing of alcoholic
18 beverages;

19 ~~(6)—the~~ 6. The sale, purchase or dispensing of other
20 commodities or goods, as ~~he~~ the Governor reasonably believes should
21 be prohibited to help preserve and maintain life, health, property
22 or the public peace;

23 ~~(7)—the~~ 7. The use of certain streets, highways or public ways
24 by the public; and

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

4 ~~(b)~~ B. Notwithstanding this section or any other law of this
5 state, neither the Governor nor any official of a municipal or state
6 entity shall prohibit or suspend the sale, ownership, possession,
7 transportation, carrying, transfer and storage of firearms,
8 ammunition and ammunition accessories during a declared state of
9 emergency that are otherwise legal under state law.

10 C. In imposing the restrictions provided for by ~~this act~~ the
11 Oklahoma Riot Control and Prevention Act, the Governor may impose
12 them for such times, upon such conditions, with such exceptions and
13 in such areas of this state the Governor from time to time deems
14 necessary.

15 D. Any individual aggrieved by a violation of subsection B of
16 this section may seek relief in an action at law or in equity for
17 redress against any person who subjects such individual, or causes
18 such individual to be subjected, to an action prohibited by
19 subsection B of this section. In addition to any other remedy at
20 law or in equity, an individual aggrieved by the seizure or
21 confiscation of a firearm or ammunition in violation of subsection B
22 of this section may bring an action for the return of such firearm
23 or ammunition in the district court of the county in which that
24 individual resides or in which such firearm or ammunition is

1 located. In any action or proceeding to enforce the provisions of
2 this section, the court shall award the prevailing plaintiff costs
3 and reasonable attorney fees.

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

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6 53-2-10211 GRS 04/03/12
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