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February 27, 2012

SENATE BILL NO. 1760

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

and

Shannon of the House

An Act relating to the Oklahoma Riot Control and Prevention Act; amending 21 O.S. 2011, Section 1321.4, which relates to prohibited acts; providing that certain provisions shall not be construed to allow certain actions by certain officials under certain circumstances; 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 or portion of the state not affected by public disorder, disaster, or riot at the time ~~said~~ the proclamation is issued, prohibit:

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

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

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

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

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

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

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

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. Nothing in this section shall be construed to allow any
5 official of a municipal or state entity to prohibit or suspend the
6 sale, ownership, possession, transportation, carrying, registration,
7 transfer and storage of firearms, ammunition and ammunition
8 accessories during a declared state of emergency, that are otherwise
9 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 SECTION 2. This act shall become effective November 1, 2012.

16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 2-23-12 - DO
17 PASS, As Coauthored.