

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 3367

By: Echols

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1289.24, as amended by Section 22, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2013, Section 1289.24), which relates to the Firearms Act of 1971; expanding scope of state preemption to include knives; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as amended by Section 22, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2013, Section 1289.24), is amended to read as follows:

Section 1289.24

FIREARM REGULATION - STATE PREEMPTION

A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, knives, 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,

1 except as provided for in paragraph 2 of this subsection and
2 subsection C of this section, are null and void.

3 2. A municipality may adopt any ordinance:

4 a. relating to the discharge of firearms within the
5 jurisdiction of the municipality, and

6 b. allowing the municipality to issue a traffic citation
7 for transporting a firearm improperly as provided for
8 in Section 1289.13A of this title, provided however,
9 that penalties contained for violation of any
10 ordinance enacted pursuant to the provisions of this
11 subparagraph shall not exceed the penalties
12 established in the Oklahoma Self-Defense Act.

13 3. As provided in the preemption provisions of this section,
14 the otherwise lawful open carrying of a handgun under the provisions
15 of the Oklahoma Self-Defense Act shall not be punishable by any
16 municipality or other political subdivision of this state as
17 disorderly conduct, disturbing the peace or similar offense against
18 public order.

19 B. No municipality or other political subdivision of this state
20 shall adopt any order, ordinance, or regulation concerning in any
21 way the sale, purchase, purchase delay, transfer, ownership, use,
22 keeping, possession, carrying, bearing, transportation, licensing,
23 permit, registration, taxation other than sales and compensating use
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1 taxes, or other controls on firearms, knives, components,
2 ammunition, and supplies.

3 C. Except as hereinafter provided, this section shall not
4 prohibit any order, ordinance, or regulation by any municipality
5 concerning the confiscation of property used in violation of the
6 ordinances of the municipality as provided for in Section 28-121 of
7 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
8 ordinance relating to transporting a firearm or knife improperly may
9 include a provision for confiscation of property.

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

15 SECTION 2. This act shall become effective November 1, 2014.

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