

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE BILL 1460

 By: Wallace of the House

5 and

6 Dahm of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to crimes and punishments; amending
11 21 O.S. 2011, Section 1289.24, as amended by Section
12 22, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
13 Section 1289.24), which relates to the Firearms Act
14 of 1971; expanding scope of state preemption to
15 include knives; authorizing public and private
16 schools to establish policies regulating the
17 possession of knives on school property; and
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as
21 amended by Section 22, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
22 Section 1289.24), is amended to read as follows:

23 Section 1289.24

24 FIREARM REGULATION - STATE PREEMPTION

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

1 firearms, knives, components, ammunition, and supplies to the
2 complete exclusion of any order, ordinance, or regulation by any
3 municipality or other political subdivision of this state. Any
4 existing or future orders, ordinances, or regulations in this field,
5 except as provided for in paragraph 2 of this subsection and
6 subsection C of this section, are null and void.

7 2. A municipality may adopt any ordinance:

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

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

23 4. A public or private school may create a policy regulating
24 the possession of knives by students on school property or in any

1 school bus or vehicle used by the school for purposes of
2 transportation.

3 B. No municipality or other political subdivision of this state
4 shall adopt any order, ordinance, or regulation concerning in any
5 way the sale, purchase, purchase delay, transfer, ownership, use,
6 keeping, possession, carrying, bearing, transportation, licensing,
7 permit, registration, taxation other than sales and compensating use
8 taxes, or other controls on firearms, knives, components,
9 ammunition, and supplies.

10 C. Except as hereinafter provided, this section shall not
11 prohibit any order, ordinance, or regulation by any municipality
12 concerning the confiscation of property used in violation of the
13 ordinances of the municipality as provided for in Section 28-121 of
14 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
15 ordinance relating to transporting a firearm or knife improperly may
16 include a provision for confiscation of property.

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

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/23/2015 -
DO PASS, As Coauthored.