

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 364

By: Dahm

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. 2014, Section 1289.24), which relates to the Oklahoma Firearms Act of 1971; expanding scope of state preemption to include knives; allowing certain entities to create policy; 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. 2014, 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 knives, firearms, components, ammunition, and supplies to the complete exclusion of any order, ordinance_T or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances_T 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. A public or private elementary or secondary school may
14 create a policy regulating the possession of knives by students on
15 the school's property or any form of transportation controlled by
16 the school.

17 ~~3.~~ 4. 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 B. No municipality or other political subdivision of this state
24 shall adopt any order, ordinance~~7~~ or regulation concerning in any

1 way the sale, purchase, purchase delay, transfer, ownership, use,
2 keeping, possession, carrying, bearing, transportation, licensing,
3 permit, registration, taxation other than sales and compensating use
4 taxes, or other controls on knives, firearms, components,
5 ammunition, and supplies.

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

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

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