

1 ENGROSSED HOUSE
2 BILL NO. 1122

By: Biggs of the House

3 and

4 Smalley of the Senate
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7 An Act relating to drug possession; providing for the
8 preemption of certain laws of municipalities and
9 political subdivisions; prohibiting municipalities
10 and political subdivisions from prosecuting certain
11 ordinances; providing an exception to mandatory
preemption; allowing for the establishment of
municipal criminal courts of record; providing for
codification; providing an effective date; and
declaring an emergency.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2-1001 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The State Legislature hereby occupies and preempts the
18 entire field of legislation in this state touching in any way the
19 prosecution of offenses relating to the possession of controlled
20 dangerous substances, except marijuana, to the complete exclusion of
21 any order, ordinance, local legislation or regulation by any
22 municipality or other political subdivision of this state.

23 B. No municipality or other political subdivision shall
24 prosecute any laws or ordinances relating to the offense of

1 possession of a controlled dangerous substance, except marijuana.
2 Any existing or future orders, ordinances, local legislation or
3 regulations in violation of this section are void and unenforceable.

4 C. The preemption provisions of this section shall not apply to
5 prosecutions in municipal criminal courts of record for offenses
6 relating to the possession of controlled dangerous substances.
7 Nothing in this section shall prohibit a municipality from
8 establishing a municipal criminal court of record pursuant to the
9 provisions of Section 28-101 of Title 11 of the Oklahoma Statutes.

10 SECTION 2. This act shall become effective July 1, 2017.

11 SECTION 3. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 Passed the House of Representatives the 14th day of March, 2017.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2017.

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Presiding Officer of the Senate

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