

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend House Bill No. 2322, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Dahm

Dahm-BH-FS-Req#1748  
4/24/2017 5:13 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE  
FOR ENGROSSED

HOUSE BILL NO. 2322

By: Coody, McDugle, Faught,  
Bennett (John), Calvey,  
Gann and Roberts (Sean) of  
the House

and

Dahm and Brecheen of the  
Senate

FLOOR SUBSTITUTE

[ firearms - Oklahoma Firearms Act of 1971 -  
preemption provision and certain mandate - effective  
date ]

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as  
last amended by Section 1, Chapter 217, O.S.L. 2016 (21 O.S. Supp.  
2016, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

A. It shall be unlawful for any person to carry upon or about  
his or her person, or in a purse or other container belonging to the  
person, any pistol, revolver, shotgun or rifle whether loaded or

1 unloaded or any blackjack, loaded cane, ~~billy~~, hand chain, metal  
2 knuckles, or any other offensive weapon, whether such weapon be  
3 concealed or unconcealed, except this section shall not prohibit:

4 1. The proper use of guns and knives for hunting, fishing,  
5 educational or recreational purposes;

6 2. The carrying or use of weapons in a manner otherwise  
7 permitted by statute or authorized by the Oklahoma Self-Defense Act;

8 3. The carrying, possession and use of any weapon by a peace  
9 officer or other person authorized by law to carry a weapon in the  
10 performance of official duties and in compliance with the rules of  
11 the employing agency;

12 4. The carrying or use of weapons in a courthouse by a district  
13 judge, associate district judge or special district judge within  
14 this state, who is in possession of a valid handgun license issued  
15 pursuant to the provisions of the Oklahoma Self-Defense Act and  
16 whose name appears on a list maintained by the Administrative  
17 Director of the Courts; or

18 5. The carrying and use of firearms and other weapons provided  
19 in this subsection when used for the purpose of living history  
20 reenactment. For purposes of this paragraph, "living history  
21 reenactment" means depiction of historical characters, scenes,  
22 historical life or events for entertainment, education, or  
23 historical documentation through the wearing or use of period,  
24

1 historical, antique or vintage clothing, accessories, firearms,  
2 weapons, and other implements of the historical period.

3 B. Any person convicted of violating the foregoing provision  
4 shall be guilty of a misdemeanor punishable as provided in Section  
5 1276 of this title.

6 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.24, as  
7 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.  
8 2016, Section 1289.24), is amended to read as follows:

9 Section 1289.24.

10 FIREARM REGULATION - STATE PREEMPTION

11 A. 1. The State Legislature hereby occupies and preempts the  
12 entire field of legislation in this state touching in any way  
13 firearms, knives, firearm and ammunition components, ammunition, and  
14 supplies to the complete exclusion of any order, policy, ordinance,  
15 or regulation by any municipality, agency or other political  
16 subdivision of this state. Any existing or future orders, policies,  
17 ordinances, or regulations in this field, except as provided for in  
18 paragraph 2 of this subsection and subsection C of this section, are  
19 null and void.

20 2. A municipality may adopt any ordinance:

- 21 a. relating to the discharge of firearms within the  
22 jurisdiction of the municipality, and  
23 b. allowing the municipality to issue a traffic citation  
24 for transporting a firearm improperly as provided for

1 in Section 1289.13A of this title, provided however,  
2 that penalties contained for violation of any  
3 ordinance enacted pursuant to the provisions of this  
4 subparagraph shall not exceed the penalties  
5 established in the Oklahoma Self-Defense Act.

6 3. As provided in the preemption provisions of this section,  
7 the otherwise lawful open carrying of a handgun under the provisions  
8 of the Oklahoma Self-Defense Act shall not be punishable by any  
9 municipality, agency or other political subdivision of this state as  
10 disorderly conduct, disturbing the peace or similar offense against  
11 public order.

12 4. A public or private school may create a policy regulating  
13 the possession of knives on school property or in any school bus or  
14 vehicle used by the school for purposes of transportation.

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

22 C. Except as hereinafter provided, this section shall not  
23 prohibit any order, policy, ordinance, or regulation by any  
24 municipality concerning the confiscation of property used in

1 violation of the ordinances of the municipality as provided for in  
2 Section 28-121 of Title 11 of the Oklahoma Statutes. Provided,  
3 however, no municipal ordinance relating to transporting a firearm  
4 or knife improperly may include a provision for confiscation of  
5 property.

6 D. When a person's rights pursuant to the protection of the  
7 preemption provisions of this section have been violated, ~~the person~~  
8 by any order, policy, ordinance or regulation promulgated or  
9 enforced by any municipality, agency or other political subdivision  
10 of this state, the person shall have the right to bring a civil  
11 action against the persons, municipality, ~~and~~ agency or political  
12 subdivision jointly and severally for injunctive relief or monetary  
13 damages or both.

14 E. A court shall award reasonable expenses to a person in an  
15 action filed pursuant to the provisions of subsection D of this  
16 section if a court grants a final determination in favor of the  
17 person.

18 F. A court shall award to a municipality or political  
19 subdivision reasonable expenses if a municipality or political  
20 subdivision prevails in the action.

21 G. As used in this section "reasonable expenses" includes, but  
22 shall not be limited to, attorney fees, expert witness fees and  
23 court costs.

SECTION 3. This act shall become effective November 1, 2017.

56-1-1748 BH 4/24/2017 5:13:31 PM