

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1122

By: Biggs

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8 COMMITTEE SUBSTITUTE

9 An Act relating to drug possession; providing for the
10 preemption of certain laws of municipalities and
11 political subdivisions; prohibiting municipalities
12 and political subdivisions from prosecuting certain
13 ordinances; providing an exception to mandatory
14 preemption; allowing for the establishment of
15 municipal criminal courts of record; providing for
16 codification; providing an effective date; and
17 declaring an emergency.

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

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

22 A. The State Legislature hereby occupies and preempts the
23 entire field of legislation in this state touching in any way the
24 prosecution of offenses relating to the possession of controlled
25 dangerous substances, except marijuana, to the complete exclusion of

1 any order, ordinance, local legislation or regulation by any
2 municipality or other political subdivision of this state.

3 B. No municipality or other political subdivision shall
4 prosecute any laws or ordinances relating to the offense of
5 possession of a controlled dangerous substance, except marijuana.
6 Any existing or future orders, ordinances, local legislation or
7 regulations in violation of this section are void and unenforceable.

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

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

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

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20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND
21 CORRECTIONS, dated 02/22/2017 - DO PASS, As Amended.

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