

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1056

By: Olsen

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1321.4, as amended by Section 1, Chapter 271, O.S.L. 2012 (21 O.S. Supp. 2020, Section 1321.4), which relates to the Oklahoma Riot Control and Prevention Act; prohibiting certain officials from restricting religious activities during a declared state of emergency; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1321.4, as amended by Section 1, Chapter 271, O.S.L. 2012 (21 O.S. Supp. 2020, Section 1321.4), is amended to read as follows:

Section 1321.4 A. The Governor during the existence of a state of emergency, by proclamation, may, in the area described by the proclamation, which proclamation shall not cover any part or portion of the state not affected by public disorder, disaster, or riot at the time the proclamation is issued, prohibit:

1        1. Any person being on the public streets, or in the public  
2 parks or at any other public place during the hours declared by the  
3 Governor to be a period of curfew;

4        2. A designated number of persons, as designated by the  
5 Governor, from assembling or gathering on the public streets, parks,  
6 or other open areas of this state, either public or private;

7        3. The manufacture, transfer, use, possession or transportation  
8 of a molotov cocktail or any other device, instrument or object  
9 designed to explode or produce uncontained combustion;

10       4. The transporting, possessing or using of gasoline, kerosene,  
11 or combustible, flammable, or explosive liquids or materials in a  
12 glass or uncapped container of any kind except in connection with  
13 the normal operation of motor vehicles, normal home use or  
14 legitimate commercial use;

15       5. The sale, purchase or dispensing of alcoholic beverages;

16       6. The sale, purchase or dispensing of other commodities or  
17 goods, as the Governor reasonably believes should be prohibited to  
18 help preserve and maintain life, health, property or the public  
19 peace;

20       7. The use of certain streets, highways or public ways by the  
21 public; and

22       8. Such other activities as the Governor reasonably believes  
23 should be prohibited to help preserve and maintain life, health,  
24 property or the public peace.

1 B. Notwithstanding this section or any other law of this state,  
2 neither the Governor nor any official of a ~~municipal~~ municipality,  
3 county, political subdivision of the state or state entity shall  
4 prohibit or suspend ~~the~~:

5 1. The sale, ownership, possession, transportation, carrying,  
6 transfer and storage of firearms, ammunition and ammunition  
7 accessories during a declared state of emergency, that are otherwise  
8 legal under state law; or

9 2. Activities in a place of worship during a declared state of  
10 emergency, that are otherwise legal under state law.

11 C. In imposing the restrictions provided for by the Oklahoma  
12 Riot Control and Prevention Act, the Governor may impose them for  
13 such times, upon such conditions, with such exceptions and in such  
14 areas of this state the Governor from time to time deems necessary.

15 D. Any individual aggrieved by a violation of subsection B of  
16 this section may seek relief in an action at law or in equity for  
17 redress against any person, municipality, county, political  
18 subdivision of the state or state entity who subjects such  
19 individual or causes such individual to be subjected to an action  
20 prohibited by subsection B of this section. In addition to any  
21 other remedy at law or in equity, an individual aggrieved by the  
22 seizure or confiscation of a firearm or ammunition in violation of  
23 paragraph 1 of subsection B of this section may bring an action for  
24 the return of such firearm or ammunition in the district court of

1 the county in which that individual resides or in which such firearm  
2 or ammunition is located. In any action or proceeding to enforce  
3 the provisions of this section, the court shall award the prevailing  
4 plaintiff costs and reasonable attorney fees.

5 SECTION 2. This act shall become effective November 1, 2021.

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7 58-1-6011 GRS 12/18/20  
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