

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1664

By: Dahm

AS INTRODUCED

An Act relating to the Oklahoma Riot Control and Prevention Act; amending 21 O.S. 2021, Section 1321.4, which relates to acts which may be proclaimed prohibited; modifying entities prohibited from certain action; permitting certain activities; expanding entities subject to a cause of action; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, 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. Any person being on the public streets, or in the public parks or at any other public place during the hours declared by the Governor to be a period of curfew;

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

4           3. The manufacture, transfer, use, possession, or  
5 transportation of a ~~molotov~~ Molotov cocktail or any other device,  
6 instrument, or object designed to explode or produce uncontained  
7 combustion;

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

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

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

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

20           8. Such other activities as the Governor reasonably believes  
21 should be prohibited to help preserve and maintain life, health,  
22 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~~ political  
3 subdivision or state entity shall prohibit or suspend ~~the~~:

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

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

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

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

1 proceeding to enforce the provisions of this section, the court  
2 shall award the prevailing plaintiff costs and reasonable attorney  
3 fees.

4 SECTION 2. This act shall become effective November 1, 2024.

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