

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1667

By: Dahm

AS INTRODUCED

An Act relating to relating to crimes against public peace; amending 21 O.S. 2021, Sections 1321.3, 1321.4, 1321.5, 1321.8, and 1321.9, which relate to the Oklahoma Riot Control and Prevention Act; modifying qualifying events; limiting length of emergency declaration; disallowing certain prohibitions and restrictions; clarifying certain misdemeanor offense; making language gender neutral; modifying definition; clarifying certain conformity; updating statutory language and references; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1321.3, is amended to read as follows:

Section 1321.3. ~~(a)~~ A. The Governor, after finding that a public disorder, natural or man-made disaster, or riot exists or is pending within this state or any part thereof which ~~affects~~ threatens life, health, property, or the public peace, may proclaim a state of emergency in the area affected.

~~(b)~~ B. The proclamation ~~of a~~ shall specify in writing if the state of emergency ~~and other proclamations issued pursuant to this~~

1 ~~act shall be in writing and shall be signed by the Governor. They~~  
2 ~~shall then be filed with the Secretary of State~~ is to address a  
3 public disorder, a natural or man-made disaster, or a riot, and any  
4 immediate steps being taken to address the state of emergency and  
5 the projected duration of the state of emergency.

6 ~~(c)~~ C. The Governor shall give as much public notice as  
7 practical through the news media of the issuance of proclamations  
8 pursuant to ~~this act~~ Section 1321.1 et seq. of this title.

9 ~~(d)~~ D. The state of emergency shall cease to exist upon the  
10 issuance of a proclamation of the Governor declaring its  
11 termination; provided, that the Governor must terminate said the  
12 proclamation when order has been restored in the area affected, the  
13 disaster no longer poses a threat, or when a riot no longer exists.

14 E. A state of emergency declaration shall not exist for longer  
15 than two (2) weeks unless the majority of the governing body of an  
16 affected municipality affirmatively votes to request the Governor  
17 extend the state of emergency, the majority of the county  
18 commissioners of an affected county votes to request the Governor  
19 extend the state of emergency, or for any statewide emergency, a  
20 majority of the Legislature, in normal or special session, votes to  
21 request the Governor extend the state of emergency.

22 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1321.4, is  
23 amended to read as follows:  
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1       Section 1321.4. A. The Governor during the existence of a  
2 state of emergency, by proclamation, may, in the area described by  
3 the proclamation, which proclamation shall not cover any part or  
4 portion of the state not affected by public disorder, natural or  
5 man-made disaster, or riot at the time the proclamation is issued,  
6 prohibit:

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

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

13       ~~3.~~ 3. The manufacture, transfer, use, possession, or  
14 transportation of a ~~meletoev~~ Molotov cocktail or any other device,  
15 instrument, or object designed to explode or produce uncontained  
16 combustion;

17       ~~4.~~ 3. The transporting, possessing, or using of gasoline,  
18 kerosene, or combustible, flammable, or explosive liquids or  
19 materials in a glass or uncapped container of any kind except in  
20 connection with the normal operation of motor vehicles, normal home  
21 use, or legitimate commercial use; and

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

23       ~~6. The sale, purchase or dispensing of other commodities or~~  
24 ~~goods, as the Governor reasonably believes should be prohibited to~~

1 ~~help preserve and maintain life, health, property or the public~~  
2 ~~peace;~~

3 ~~7.~~ 4. The limited use of certain streets, highways, or public  
4 ways by the public; ~~and~~

5 ~~8. Such other activities as the Governor reasonably believes~~  
6 ~~should be prohibited to help preserve and maintain life, health,~~  
7 ~~property or the public peace.~~

8 B. Notwithstanding this section or any other law of this state,  
9 neither the Governor nor any official of a municipal or state entity  
10 shall prohibit or suspend the sale, ownership, possession,  
11 transportation, carrying, transfer and storage of firearms,  
12 ammunition and ammunition accessories during a declared state of  
13 emergency, that are otherwise legal under state law.

14 C. In imposing the restrictions provided for by the Oklahoma  
15 Riot Control and Prevention Act, the Governor may impose them for  
16 such times, upon such conditions, with such exceptions and in such  
17 areas of this state the Governor from time to time deems necessary  
18 within the limited duration of a declared emergency as provided in  
19 Section 1321.3 of this title.

20 D. Any individual aggrieved by a violation of subsection B of  
21 this section may seek relief in an action at law or in equity for  
22 redress against any person who subjects such individual or causes  
23 such individual to be subjected to an action prohibited by  
24 subsection B of this section. In addition to any other remedy at  
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1 law or in equity, an individual aggrieved by the seizure or  
2 confiscation of a firearm or ammunition in violation of subsection B  
3 of this section may bring an action for the return of such firearm  
4 or ammunition in the district court of the county in which that  
5 individual resides or in which such firearm or ammunition is  
6 located. In any action or proceeding to enforce the provisions of  
7 this section, the court shall award the prevailing plaintiff costs  
8 and reasonable attorney fees.

9 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1321.5, is  
10 amended to read as follows:

11 Section 1321.5. ~~(a)~~ A. Whenever the restrictions imposed  
12 pursuant to ~~this act~~ Section 1321.1 et seq. of this title are more  
13 restrictive than are required by any other statute, local ordinance  
14 or regulations, the provisions of the restrictions imposed pursuant  
15 to ~~this act~~ Section 1321.1 et seq. of this title shall govern during  
16 the limited duration of the declared state of emergency. Provided,  
17 however, only restrictions permitted by this act may be implemented  
18 by executive order.

19 ~~(b)~~ B. Whenever the restrictions of any other statute, local  
20 ordinance or regulations are more restrictive than the restrictions  
21 imposed pursuant to ~~this act~~ the Governor's restrictions for the  
22 declared state of emergency, the provisions of such statute, local  
23 ordinance or regulations shall govern, provided that any  
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1 restrictions shall not be more restrictive than those provided in  
2 Section 1321.4 of this title.

3 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1321.8, is  
4 amended to read as follows:

5 Section 1321.8. The following provisions shall apply during a  
6 state of emergency.

7 A. A person is guilty of riot when ~~he~~ the person participates  
8 with two or more persons in a course of disorderly conduct:

9 1. With intent to commit or facilitate the commission of a  
10 felony ~~or misdemeanor~~;

11 2. With intent to prevent or coerce official action; or

12 3. When the accused or any other participant to the knowledge  
13 of the accused uses or plans to use a firearm or other deadly weapon  
14 in the commission of a crime.

15 B. Any person upon any public way within the described area who  
16 is directed by the authorities to leave the public way due to  
17 blocking the public way or due to an unlawful assembly but refuses  
18 to do so shall be guilty of a misdemeanor.

19 C. Any person who violates the provisions of this section,  
20 except subsection B of this section, shall be guilty of a felony,  
21 and upon conviction thereof shall be imprisoned for not less than  
22 two (2) years nor more than ten (10) years.

23 D. Any person sixteen (16) years of age or over who violates  
24 the provisions of this section shall be prosecuted as an adult.

1 E. A person is guilty of an offense under this section  
2 committed by another person when:

3 1. Acting with the state of mind that is sufficient for  
4 commission of the offense, ~~he~~ the person causes an innocent or  
5 irresponsible person to engage in conduct constituting the offense;

6 2. Intending to promote or facilitate the commission of the  
7 offense ~~he~~ the person:

8 a. solicits, requests, commands, importunes, or otherwise  
9 attempts to cause the other person to commit it,

10 b. aids, counsels, or agrees or attempts to aid the other  
11 person in planning or committing it, or

12 c. having a legal duty to prevent the commission of the  
13 offense, fails to make a proper effort to do so; or

14 3. The person's conduct is expressly declared by a statute of  
15 this state to establish the person's complicity.

16 F. In any prosecution for an offense under this section in  
17 which the criminal liability of the accused is based upon the  
18 conduct of another person pursuant to this section, it is no defense  
19 that:

20 1. The other person is not guilty of the offense in question  
21 because of irresponsibility or other legal incapacity or exemption,  
22 or because of unawareness of the criminal nature of the conduct in  
23 question or of the accused's criminal purpose, or because of other  
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1 factors precluding the mental state required for the commission of  
2 the offense; or

3 2. The other person has not been prosecuted for or convicted of  
4 any offense based on the conduct in question, or has previously been  
5 acquitted thereof, or has been convicted of a different offense or  
6 in a different degree, or has legal immunity from prosecution for  
7 the conduct in question.

8 G. "Disorderly conduct" as used in this section means a course  
9 of conduct by a person who:

10 1. ~~Causes public inconvenience, annoyance, or alarm, or~~  
11 ~~recklessly~~ Recklessly creates a public risk thereof, by:

- 12 a. ~~engaging in~~ initiating fighting or engaging in  
13 violent, tumultuous, or threatening behavior; however,  
14 self-defense against attacks initiated by others shall  
15 not constitute initiating fighting,
- 16 b. making an unreasonable noise ~~or an offensively coarse~~  
17 ~~utterance, gesture, or display, or addressing abusive~~  
18 ~~language to any person present~~ after being warned to  
19 stop,
- 20 c. dispersing any lawful procession or meeting of  
21 persons, not being a peace officer of this state and  
22 without lawful authority, or
- 23 d. creating a hazardous or physically offensive condition  
24 which serves no legitimate purpose; or



1        2. Engages with at least one other person in a course of  
2 disorderly conduct as defined in paragraph 1 of this subsection  
3 which is likely to cause substantial harm ~~or serious inconvenience,~~  
4 ~~annoyance, or alarm,~~ and refuses or knowingly fails to obey an order  
5 to disperse, made by a peace officer to the participants.

6        SECTION 5.        AMENDATORY        21 O.S. 2021, Section 1321.9, is  
7 amended to read as follows:

8        Section 1321.9. Cities and towns are hereby authorized to enact  
9 ordinances in general conformity with the provisions of ~~this act~~ the  
10 Oklahoma Riot Control and Prevention Act; provided, however, each  
11 state of emergency shall follow the duration limitation and purpose  
12 for declaring the state of emergency as provided in Section 1321.3  
13 of this title.

14        SECTION 6. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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