

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1100

By: Olsen

4
5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1289.24, as last amended by Section 8,
9 Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section
10 1289.24), which relates to the Oklahoma Firearms Act
11 of 1971; clarifying preemption provision and certain
12 mandate; specifying circumstances that authorize the
13 filing of civil actions against certain persons or
14 entities; providing for the award of reasonable
15 expenses under certain circumstances; providing
16 procedures; defining term; and providing an effective
17 date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as
20 last amended by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
21 2020, Section 1289.24), is amended to read as follows:

22 Section 1289.24

23 FIREARM REGULATION - STATE PREEMPTION

24 A. 1. The State Legislature hereby occupies and preempts the
entire field of legislation in this state touching in any way
firearms, knives, firearm and ammunition components, ammunition, and
supplies to the complete exclusion of any order, policy, ordinance,

1 or regulation by any municipality, or other political subdivision of
2 this state. Any existing or future orders, policies, ordinances, or
3 regulations in this field, except as provided for in paragraph 2 of
4 this subsection and subsection C of this section, are null and void.

5 2. A municipality may adopt any ordinance:

6 a. relating to the discharge of firearms within the
7 jurisdiction of the municipality, and

8 b. allowing the municipality to issue a traffic citation
9 for transporting a firearm improperly as provided for
10 in Section 1289.13A of this title, provided, however,
11 that penalties contained for violation of any
12 ordinance enacted pursuant to the provisions of this
13 subparagraph shall not exceed the penalties
14 established in the Oklahoma Self-Defense Act.

15 3. As provided in the preemption provisions of this section,
16 the otherwise lawful carrying or possession of a firearm under the
17 provisions of Chapter 53 of this title shall not be punishable by
18 any municipality or other political subdivision of this state as
19 disorderly conduct, disturbing the peace or similar offense against
20 public order.

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

24

1 B. No municipality or other political subdivision of this state
2 shall adopt any order, policy, ordinance~~7~~ or regulation concerning
3 in any way the sale, purchase, purchase delay, transfer, ownership,
4 use, keeping, possession, carrying, bearing, transportation,
5 licensing, permit, registration, taxation other than sales and
6 compensating use taxes~~7~~ or other controls on firearms, knives,
7 firearm and ammunition components, ammunition~~7~~ and supplies.

8 C. Except as hereinafter provided, this section shall not
9 prohibit any order, policy, ordinance~~7~~ or regulation by any
10 municipality concerning the confiscation of property used in
11 violation of the ordinances of the municipality as provided for in
12 Section 28-121 of Title 11 of the Oklahoma Statutes. Provided,
13 however, no municipal ordinance relating to transporting a firearm
14 or knife improperly may include a provision for confiscation of
15 property.

16 D. When a person's rights pursuant to the protection of the
17 preemption provisions of this section have been violated pursuant to
18 any order, policy, ordinance or regulation promulgated or enforced
19 by any person, municipality, agency or other political subdivision
20 of this state, the person shall have the right to bring a civil
21 action against the persons, municipality, agency and political
22 subdivision jointly and severally for injunctive relief or monetary
23 damages or both.

1 E. A court may require the person, municipality, agency or
2 political subdivision to pay reasonable expenses to the aggrieved
3 party in an action filed pursuant to the provisions of subsection D
4 of this section if:

5 1. The aggrieved party first provides written notice of the
6 unlawful order, policy, ordinance or regulation by certified first-
7 class mail or service of process and allows the person,
8 municipality, agency or political subdivision ninety (90) days to
9 rescind, repeal or otherwise abrogate the order, policy, ordinance
10 or regulation; and

11 2. A court grants final determination in favor of the aggrieved
12 party.

13 If the person, municipality, agency or political subdivision
14 fails to rescind, repeal or otherwise abrogate the unlawful order,
15 policy, ordinance or regulation within ninety (90) days of required
16 notice as provided in paragraph 1 of this subsection and the order,
17 policy, ordinance or regulation is subsequently rescinded, repealed
18 or otherwise abrogated after the aggrieved party files suit, the
19 aggrieved party shall retain standing in the suit and may recover
20 damages or reasonable expenses.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

58-1-6013 GRS 12/18/20