

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 272

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; declaring additional permitted 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 transportation
5 of a molotov cocktail or any other device, instrument or object
6 designed to explode or produce uncontained combustion;

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

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

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

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

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

22 B. Notwithstanding this section or any other law of this state,
23 neither the Governor nor any official of a ~~municipal~~ municipality,

1 county, political subdivision of the state, or state entity shall
2 prohibit or suspend ~~the~~:

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

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

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

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

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the provisions of this section, the court shall award the prevailing plaintiff costs and reasonable attorney fees.

SECTION 2. This act shall become effective November 1, 2023.

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