

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1490

By: Dahm

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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. 2019, Section
10 1289.24), which relates to the Oklahoma Firearms Act
11 of 1971; clarifying preemption provision and certain
12 mandate; modifying requirements for persons filing
13 civil actions; providing for reasonable expenses
14 under certain circumstances; defining terms; and
15 providing an effective date.

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

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

20 Section 1289.24.

21 FIREARM REGULATION - STATE PREEMPTION

22 A. 1. The State Legislature hereby occupies and preempts the
23 entire field of legislation in this state touching in any way
24 firearms, knives, firearm and ammunition components, ammunition, and
25 supplies to the complete exclusion of any order, policy, ordinance,
26 or regulation by any municipality, agency or other political

1 subdivision of this state. Any existing or future orders, policies,
2 ordinances, or regulations in this field, except as provided for in
3 paragraph 2 of this subsection and subsection C of this section, are
4 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, agency or other political subdivision of this
19 state as disorderly conduct, disturbing the peace or similar offense
20 against 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.
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1 B. No municipality, agency or other political subdivision of
2 this state shall adopt any order, policy, ordinance, or regulation
3 concerning in any way the sale, purchase, purchase delay, transfer,
4 ownership, use, keeping, possession, carrying, bearing,
5 transportation, licensing, permit, registration, taxation other than
6 sales and compensating use taxes, or other controls on firearms,
7 knives, firearm and ammunition components, ammunition, and supplies.

8 C. Except as hereinafter provided, this section shall not
9 prohibit any order, policy, ordinance, 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, the A~~
18 person adversely affected by any order, policy, ordinance or
19 regulation promulgated or enforced by any municipality, agency or
20 other political subdivision of this state in violation of the
21 preemption provisions of this section shall have the right to bring
22 a civil action against the persons, municipality, ~~and~~ agency or
23 political subdivision jointly and severally for injunctive relief or
24 monetary damages or both.

1 E. A court shall award reasonable expenses to a person
2 adversely affected in an action filed pursuant to the provisions of
3 subsection D of this section if:

4 1. A court grants a final determination in favor of the person
5 adversely affected; or

6 2. The order, policy, ordinance or regulation in question is
7 rescinded, repealed or otherwise abrogated after a lawsuit has been
8 filed pursuant to the provisions of subsection D of this section but
9 before a final determination by the court.

10 F. As used in this section:

11 1. "Person adversely affected" means:

12 a. a resident of this state who may legally possess under
13 federal and state law an item listed in paragraph 1 of
14 subsection A of this section, and

15 b. any person who otherwise has standing under the laws
16 of this state to bring an action pursuant to the
17 provisions of subsection D of this section; and

18 2. "Reasonable expenses" includes, but shall not be limited to,
19 attorney fees, expert witness fees and court costs.

20 SECTION 2. This act shall become effective November 1, 2020.

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