

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2336

 By: Steagall and **Davis**

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7 AS INTRODUCED

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Section 1321.4, as amended by Section
10 1, Chapter 271, O.S.L. 2012 (21 O.S. Supp. 2020,
11 Section 1321.4), which relates to the Oklahoma Riot
 Control and Prevention Act; removing ability of
 Governor to restrict certain activities during state
 of emergency; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1321.4, as
16 amended by Section 1, Chapter 271, O.S.L. 2012 (21 O.S. Supp. 2020,
17 Section 1321.4), is amended to read as follows:

18 Section 1321.4 A. The Governor during the existence of a state
19 of emergency, by proclamation, may, in the area described by the
20 proclamation, which proclamation shall not cover any part or portion
21 of the state not affected by public disorder, disaster, or riot at
22 the time the proclamation is issued, prohibit:

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

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

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

10 ~~4.~~ 3. The transporting, possessing or using of gasoline,
11 kerosene, or combustible, flammable, or explosive liquids or
12 materials in a glass or uncapped container of any kind except in
13 connection with the normal operation of motor vehicles, normal home
14 use or legitimate commercial use; and

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

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

20 ~~7.~~ 4. The use of certain streets, highways or public ways by
21 the public; ~~and~~

22 ~~8. Such other activities as the Governor reasonably believes
23 should be prohibited to help preserve and maintain life, health,
24 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 or state entity
3 shall prohibit or suspend the sale, ownership, possession,
4 transportation, carrying, transfer and storage of firearms,
5 ammunition and ammunition accessories during a declared state of
6 emergency, that are otherwise legal under state law.

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/10/2021 -
DO PASS, As Coauthored.