

An Act

ENROLLED SENATE
BILL NO. 926

By: Jett and Bergstrom of the
Senate

and

Roberts (Eric), McDugle and
Manger of the House

An Act relating to firearm regulation; amending 21 O.S. 2011, Section 1289.24, as last amended by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1289.24), which relates to state preemption; modifying inclusions; allowing certain action; defining term; and providing an effective date.

SUBJECT: Authorizing municipality to issue citation to certain persons for the intentional or negligent discharge of an air powered pistol or rifle

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

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

Section 1289.24.

FIREARM REGULATION - STATE PREEMPTION

A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, air powered pistols, air powered rifles, knives, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders,

ordinances~~7~~ or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void.

2. A municipality may adopt any ordinance:

- a. relating to the discharge of firearms within the jurisdiction of the municipality, ~~and~~
- b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title, provided, however, that penalties contained for violation of any ordinance enacted pursuant to the provisions of this subparagraph shall not exceed the penalties established in the Oklahoma Self-Defense Act, and
- c. allowing the municipality to issue a citation to an individual or the parent or guardian of a minor who discharges an air powered pistol or air powered rifle in an intentional or negligent manner which causes the projectile to leave the intended premises.

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

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

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

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

D. When a person's rights pursuant to the protection of the preemption provisions of this section have been violated, the person shall have the right to bring a civil action against the persons, municipality, and political subdivision jointly and severally for injunctive relief or monetary damages or both.

E. As used in this section, air powered pistol or air powered rifle is any pistol or rifle that uses compressed air or other compressed gas to project plastic BB-like or pellet-like projectiles at a speed not exceeding 400 feet per second.

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

Passed the Senate the 9th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____