

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 824

By: Dahm

AS INTRODUCED

An Act relating to firearms regulation; amending 21 O.S. 2021, Section 1289.24, which relates to state preemption of firearm regulation; modifying inclusions; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, 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, firearm and ammunition 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 or regulations in this field, except as

1 provided for in paragraph 2 of this subsection and subsection C of  
2 this section, are null and void.

3 2. A municipality may adopt any ordinance:

4 a. relating to the discharge of firearms within the  
5 jurisdiction of the municipality,

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

13 c. allowing the municipality to issue a citation to an  
14 individual or the parent or guardian of a minor who  
15 discharges an air powered pistol or air powered rifle  
16 in an intentional or negligent manner which causes the  
17 projectile to leave the intended premises.

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

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

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

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

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

23           E. As used in this section, air powered pistol or air powered  
24 rifle is any pistol or rifle that uses compressed air or other

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compressed gas to project plastic BB-like or pellet-like projectiles  
at a speed not exceeding ~~400~~ four hundred (400) feet per second.

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

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