

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3036

By: **Olsen** of the House

and

Hall of the Senate

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to firearms; amending 21 O.S. 2011,
12 Section 1289.24, as last amended by Section 8,
13 Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section
14 1289.24), which relates to the Oklahoma Firearms Act
15 of 1971; clarifying preemption provision and certain
16 mandate; specifying circumstances that authorize the
17 filing of civil actions against certain persons or
18 entities; providing for the award of reasonable
19 expenses under certain circumstances; providing
20 procedures; defining term; and providing an effective
21 date.

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

23 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as
24 last amended by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
25 2019, Section 1289.24), is amended to read as follows:

 Section 1289.24

1 FIREARM REGULATION - STATE PREEMPTION

2 A. 1. The State Legislature hereby occupies and preempts the
3 entire field of legislation in this state touching in any way
4 firearms, knives, firearm and ammunition components, ammunition, and
5 supplies to the complete exclusion of any order, policy, ordinance,
6 or regulation by any municipality, or other political subdivision of
7 this state. Any existing or future orders, policies, ordinances, or
8 regulations in this field, except as provided for in paragraph 2 of
9 this subsection and subsection C of this section, are null and void.

10 2. A municipality may adopt any ordinance:

11 a. relating to the discharge of firearms within the
12 jurisdiction of the municipality, and

13 b. allowing the municipality to issue a traffic citation
14 for transporting a firearm improperly as provided for
15 in Section 1289.13A of this title, provided, however,
16 that penalties contained for violation of any
17 ordinance enacted pursuant to the provisions of this
18 subparagraph shall not exceed the penalties
19 established in the Oklahoma Self-Defense Act.

20 3. As provided in the preemption provisions of this section,
21 the otherwise lawful carrying or possession of a firearm under the
22 provisions of Chapter 53 of this title shall not be punishable by
23 any municipality or other political subdivision of this state as
24

1 | disorderly conduct, disturbing the peace or similar offense against
2 | public order.

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

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

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

21 | D. When a person's rights pursuant to the protection of the
22 | preemption provisions of this section have been violated by any
23 | order, policy, ordinance or regulation promulgated or enforced by
24 | any person, municipality, agency or other political subdivision of

1 this state, the person shall have the right to bring a civil action
2 against the persons, municipality, agency and political subdivision
3 jointly and severally for injunctive relief or monetary damages or
4 both.

5 E. A court may require the political subdivision to pay
6 reasonable expenses to a person in an action filed pursuant to the
7 provisions of subsection D of this section if:

8 1. The aggrieved party first provides written notice of the
9 unlawful order, policy, ordinance or regulation by certified first-
10 class mail or service of process and allows the political
11 subdivision ninety (90) days to rescind, repeal or otherwise
12 abrogate the order, policy, ordinance or regulation; and

13 2. A court grants final determination in favor of the person.

14 If the political subdivision fails to rescind, repeal or
15 otherwise abrogate the unlawful order, policy, ordinance or
16 regulation within ninety (90) days of required notice as provided in
17 paragraph 1 of this subsection and the order, policy, ordinance or
18 regulation is subsequently rescinded, repealed or otherwise
19 abrogated after the aggrieved party files suit, the aggrieved party
20 shall retain standing in the suit and may recover damages or
21 reasonable expenses.

22 F. As used in this section, "reasonable expenses" includes, but
23 is not limited to, attorney fees, expert witness fees and court
24 costs.

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/27/2020 -
DO PASS, As Amended and Coauthored.