

1 **SENATE FLOOR VERSION**

2 April 7, 2021

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2336

6 By: Steagall, Davis, Stark and
7 Conley of the House

8 and

9 Standridge and Bullard of
10 the Senate

11 [crimes and punishments - removing ability of
12 Governor to restrict certain activities during state
13 of emergency - effective date]

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
19 state of emergency, by proclamation, may, in the area described by
20 the proclamation, which proclamation shall not cover any part or
21 portion of the state not affected by public disorder, disaster, or
22 riot at the time the proclamation is issued, prohibit:

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

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

4 ~~3.~~ The manufacture, transfer, use, possession or transportation
5 of a ~~meletoev~~ Molotov cocktail or any other device, instrument or
6 object designed to explode or produce uncontained combustion;

7 ~~4.~~ 3. The transporting, possessing or using of gasoline,
8 kerosene, or combustible, flammable, or explosive liquids or
9 materials in a glass or uncapped container of any kind except in
10 connection with the normal operation of motor vehicles, normal home
11 use or legitimate commercial use; and

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

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

17 ~~7.~~ 4. The use of certain streets, highways or public ways by
18 the public; ~~and~~

19 ~~8. Such other activities as the Governor reasonably believes~~
20 ~~should be prohibited to help preserve and maintain life, health,~~
21 ~~property or the public peace.~~

22 B. Notwithstanding this section or any other law of this state,
23 neither the Governor nor any official of a municipal or state entity
24 shall prohibit or suspend the sale, ownership, possession,

1 transportation, carrying, transfer and storage of firearms,
2 ammunition and ammunition accessories during a declared state of
3 emergency, that are otherwise legal under state law.

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON RULES
23 April 7, 2021 - DO PASS AS AMENDED
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