

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1308

By: Silk

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5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Section 1289.24, as last amended by Section 1,  
9 Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2017, Section  
10 1289.24), which relates to state preemption of  
11 firearm regulation; modifying inclusions; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.24, as  
15 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.  
16 2017, Section 1289.24), is amended to read as follows:

Section 1289.24.

17 FIREARM REGULATION - STATE PREEMPTION

18 A. 1. The State Legislature hereby occupies and preempts the  
19 entire field of legislation in this state touching in any way  
20 firearms, knives, firearms and ammunition components, ammunition,  
21 and supplies to the complete exclusion of any order, policy,  
22 ordinance, or regulation by any municipality, agency or other  
23 political subdivision of this state. Any existing or future orders,  
24 policies, 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, and

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, 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.

13 3. As provided in the preemption provisions of this section,  
14 the otherwise lawful open carrying of a handgun under the provisions  
15 of the Oklahoma Self-Defense Act shall not be punishable by any  
16 municipality, agency or other political subdivision of this state as  
17 disorderly conduct, disturbing the peace or similar offense against  
18 public order.

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

22 B. No municipality, agency or other political subdivision of  
23 this state shall adopt any order, policy, ordinance, or regulation  
24 concerning in any way the sale, purchase, purchase delay, transfer,

1 ownership, use, keeping, possession, carrying, bearing,  
2 transportation, licensing, permit, registration, taxation other than  
3 sales and compensating use taxes, or other controls on firearms,  
4 knives, firearms and ammunition components, ammunition, and  
5 supplies.

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

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

19 SECTION 2. This act shall become effective November 1, 2018.

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