

1 or concerts, in any street, house or place in the municipality; and
2 may regulate, punish, and prevent the discharge of firearms,
3 rockets, powder, fireworks, or other dangerously combustible
4 material in the streets, lots, grounds, alleys or about, or in the
5 vicinity of any buildings. ~~The governing body may also regulate the~~
6 ~~carrying of firearms or other deadly weapons, concealed or~~
7 ~~otherwise, as provided for in Section 1289.24 of Title 21 of the~~
8 ~~Oklahoma Statutes.~~

9 B. No municipality shall regulate by order, resolution,
10 ordinance, regulation, or other legislation prohibiting the
11 transport of fireworks, in their unopened original packaging in a
12 motor vehicle within the municipal limits. No municipality shall
13 adopt or continue in effect resolutions, ordinances, or regulations
14 prohibiting the transport of fireworks in their unopened original
15 packaging by a motor vehicle. Local orders, resolutions,
16 ordinances, regulations, or legislation in violation of this section
17 are void and unenforceable.

18 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1321.4, is
19 amended to read as follows:

20 Section 1321.4 A. The Governor during the existence of a state
21 of emergency, by proclamation, may, in the area described by the
22 proclamation, which proclamation shall not cover any part or portion
23 of the state not affected by public disorder, disaster, or riot at
24 the time the proclamation is issued, prohibit:

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

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

7 3. The manufacture, transfer, use, possession or transportation
8 of a molotov cocktail or any other device, instrument or object
9 designed to explode or produce uncontained combustion; provided,
10 however, this shall not include explosives or combustibles that are
11 components used specifically by and for the manufacture of firearm
12 ammunition;

13 4. The transporting, possessing or using of gasoline, kerosene,
14 or combustible, flammable, or explosive liquids or materials in a
15 glass or uncapped container of any kind ~~except~~; provided, however
16 this shall not apply to the use of said liquids or materials in
17 connection with the normal operation of motor vehicles, normal home
18 use or legitimate commercial use or explosives or flammable
19 materials that are components used specifically by and for the
20 manufacture of firearm ammunition;

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

22 6. The sale, purchase or dispensing of other commodities or
23 goods, as the Governor reasonably believes should be prohibited to
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1 help preserve and maintain life, health, property or the public
2 peace;

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

5 8. Such other activities as the Governor reasonably believes
6 should be prohibited to help preserve and maintain life, health,
7 property or the public peace.

8 B. Notwithstanding this section or any other law of this state,
9 neither the Governor nor any official of a municipal or state entity
10 shall ~~prohibit~~:

11 1. Prohibit or suspend the sale, ownership, possession,
12 transportation, carrying, transfer and storage of firearms,
13 ammunition and ammunition accessories during a declared state of
14 emergency, that are otherwise legal under state law; or

15 2. Prohibit or restrict the business or operations of a
16 firearms or ammunition manufacturer, distributor, wholesaler,
17 supplier, retailer, or a gun range.

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

22 D. Any individual aggrieved by a violation of subsection B of
23 this section may seek relief in an action at law or in equity for
24 redress against any person who subjects such individual or causes

1 such individual to be subjected to an action prohibited by
2 subsection B of this section. In addition to any other remedy at
3 law or in equity, an individual aggrieved by the seizure or
4 confiscation of a firearm or ammunition in violation of subsection B
5 of this section may bring an action for the return of such firearm
6 or ammunition in the district court of the county in which that
7 individual resides or in which such firearm or ammunition is
8 located. In any action or proceeding to enforce the provisions of
9 this section, the court shall award the prevailing plaintiff costs
10 and reasonable attorney fees.

11 SECTION 3. This act shall become effective November 1, 2022.

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13 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
14 dated 03/02/2022 - DO PASS, As Amended and Coauthored.

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