

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 918

By: Jett

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6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Section 1289.24, which relates to the Oklahoma
9 Firearms Act of 1971; clarifying preemption provision
10 and certain mandate; specifying circumstances that
11 authorize the filing of civil actions against certain
persons or entities; requiring reasonable expenses to
be paid under specific circumstances; providing
procedures; defining term; and providing an effective
date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1289.24, is
16 amended to read as follows:

17 Section 1289.24.

18 FIREARM REGULATION - STATE PREEMPTION

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

1 existing or future orders, policies, ordinances, or regulations in
2 this field, except as provided for in paragraph 2 of this subsection
3 and subsection C of this section, are null and void.

4 2. A municipality may adopt any ordinance:

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

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

13 established in the Oklahoma Self-Defense Act, and

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

19 3. As provided in the preemption provisions of this section,
20 the otherwise lawful carrying or possession of a firearm under the
21 provisions of Chapter 53 of this title shall not be punishable by
22 any municipality or other political subdivision of this state as
23 disorderly conduct, disturbing the peace or similar offense against
24 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, policy, ordinance, or regulation concerning
6 in any way the sale, purchase, purchase delay, transfer, ownership,
7 use, keeping, possession, carrying, bearing, transportation,
8 licensing, permit, registration, taxation other than sales and
9 compensating use taxes, or other controls on firearms, knives,
10 firearm and ammunition components, ammunition, and supplies.

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

19 D. When a person's rights pursuant to the protection of the
20 preemption provisions of this section have been violated pursuant to
21 any order, policy, ordinance, or regulation promulgated or enforced
22 by any person, municipality, agency, or other political subdivision
23 of this state, the person shall have the right to bring a civil
24 action against the persons, municipality, agency, and political

1 subdivision jointly and severally for injunctive relief or monetary
2 damages or both.

3 E. A court may require the person, municipality, agency, or
4 political subdivision to pay reasonable expenses to the aggrieved
5 party in an action filed pursuant to the provisions of subsection D
6 of this section if:

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

13 2. A court grants final determination in favor of the aggrieved
14 party.

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

23 F. As used in this section, ~~air~~:
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1 1. "Air powered pistol or air powered rifle" is any pistol or
2 rifle that uses compressed air or other compressed gas to project
3 plastic BB-like or pellet-like projectiles at a speed not exceeding
4 400 feet per second; and

5 2. "Reasonable expenses" includes, but is not limited to,
6 attorney fees, expert witness fees, and court costs.

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

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