1 ENGROSSED HOUSE BILL NO. 2336 By: Steagall, Davis, Stark and 2 Conley of the House 3 and 4 Standridge of the Senate 5 6 7 [ crimes and punishments - removing ability of 8 9 Governor to restrict certain activities during 10 state of emergency - effective date ] 11 12 1.3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 14 21 O.S. 2011, Section 1321.4, as SECTION 1. AMENDATORY 15 amended by Section 1, Chapter 271, O.S.L. 2012 (21 O.S. Supp. 2020, 16 Section 1321.4), is amended to read as follows: 17 Section 1321.4 A. The Governor during the existence of a state 18 of emergency, by proclamation, may, in the area described by the 19 proclamation, which proclamation shall not cover any part or portion 20 of the state not affected by public disorder, disaster, or riot at 21 the time the proclamation is issued, prohibit: 22 1. Any person being on the public streets, or in the public 23 parks or at any other public place during the hours declared by the 24 Governor to be a period of curfew;

- 2. A designated number of persons, as designated by the

  Covernor, from assembling or gathering on the public streets, parks,

  or other open areas of this state, either public or private;
  - 3. The manufacture, transfer, use, possession or transportation of a Molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;
  - 4. 3. The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use; and
    - 5. The sale, purchase or dispensing of alcoholic beverages;
  - 6. The sale, purchase or dispensing of other commodities or goods, as the Governor reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;
  - 7.4. The use of certain streets, highways or public ways by the public; and
  - 8. Such other activities as the Governor reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.
  - B. Notwithstanding this section or any other law of this state, neither the Governor nor any official of a municipal or state entity shall prohibit or suspend the sale, ownership, possession,

- transportation, carrying, transfer and storage of firearms,
  ammunition and ammunition accessories during a declared state of
  emergency, that are otherwise legal under state law.
  - C. In imposing the restrictions provided for by the Oklahoma Riot Control and Prevention Act, the Governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state the Governor from time to time deems necessary.
  - D. Any individual aggrieved by a violation of subsection B of this section may seek relief in an action at law or in equity for redress against any person who subjects such individual or causes such individual to be subjected to an action prohibited by subsection B of this section. In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of subsection B of this section may bring an action for the return of such firearm or ammunition in the district court of the county in which that individual resides or in which such firearm or ammunition is located. In any action or proceeding to enforce the provisions of this section, the court shall award the prevailing plaintiff costs and reasonable attorney fees.
    - SECTION 2. This act shall become effective November 1, 2021.

1	Passed the House of Representatives the 11th day of March, 2021.
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4	Presiding Officer of the House of Representatives
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6	Passed the Senate the day of, 2021.
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