

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3104

By: Steagall

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

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

16 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, air powered pistols, air powered rifles, knives, firearm  
21 and ammunition components, ammunition, and supplies to the complete  
22 exclusion of any order, policy, ordinance, or regulation by any  
23 municipality or other political subdivision of this state. Any  
24 existing or future orders, policies, ordinances, or regulations in

1 this field, except as provided for in paragraph 2 of this subsection  
2 and subsection C of 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,

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, and

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

18 3. As provided in the preemption provisions of this section,  
19 the otherwise lawful carrying or possession of a firearm under the  
20 provisions of Chapter 53 of this title shall not be punishable by  
21 any municipality or other political subdivision of this state as  
22 disorderly conduct, disturbing the peace or similar offense against  
23 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, 2022.

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9        58-2-10086        GRS        01/03/22

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