

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2648

 By: Steagall

7 AS INTRODUCED

8 An Act relating to firearms; amending 21 O.S. 2021,
9 Section 1289.24, which relates to the Oklahoma
10 Firearms Act of 1971, expanding scope of state
11 preemption provision to include firearm and
12 ammunition components; prohibiting the adoption of
13 policies or resolutions that violate state preemption
14 provision; clarifying procedures that authorize the
15 filing of civil actions; providing for the payment of
16 reasonable expenses under certain circumstances;
17 allowing aggrieved persons to retain standing under
18 certain circumstances; defining term; and providing
19 an effective date.

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

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

23 Section 1289.24 A. 1. The State Legislature hereby occupies
24 and preempts the entire field of legislation in this state touching
in any way firearms, air powered pistols, air powered rifles,
knives, firearm and ammunition components, ammunition and supplies
to the complete exclusion of any order, policy, ordinance or

1 regulation by any municipality, agency or other political
2 subdivision of this state. Any existing or future orders, policies,
3 ordinances or regulations in this field, except as provided for in
4 paragraph 2 of this subsection and subsection C of this section, are
5 null and void.

6 2. A municipality may adopt any ordinance:

7 a. relating to the discharge of firearms within the
8 jurisdiction of the municipality,

9 b. allowing the municipality to issue a traffic citation
10 for transporting a firearm improperly as provided for
11 in Section 1289.13A of this title, provided, however,
12 that penalties contained for violation of any
13 ordinance enacted pursuant to the provisions of this
14 subparagraph shall not exceed the penalties
15 established in the Oklahoma Self-Defense Act, and

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

21 3. As provided in the preemption provisions of this section,
22 the otherwise lawful carrying or possession of a firearm under the
23 provisions of Chapter 53 of this title shall not be punishable by
24 any municipality, agency or other political subdivision of this

1 state as disorderly conduct, disturbing the peace or similar offense
2 against public order.

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

6 B. No municipality, agency, or other political subdivision of
7 this state shall adopt any order, policy, ordinance, resolution or
8 regulation concerning in any way the sale, purchase, purchase delay,
9 transfer, ownership, use, keeping, possession, carrying, bearing,
10 transportation, licensing, permit, registration, taxation other than
11 sales and compensating use taxes or other controls on firearms,
12 knives, firearm and ammunition components, ammunition and supplies.

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

21 D. When a person's rights pursuant to the protection of the
22 preemption provisions of this section have been violated by any
23 order, policy, ordinance, resolution or regulation promulgated or
24 enforced by any person, municipality, agency or other political

1 subdivision of the state, the person so violated shall have the
2 right to bring a civil action against the ~~persons~~ person, government
3 employee if the government employee was acting beyond the scope of
4 employment, municipality, and agency, or political subdivision
5 jointly and severally for injunctive relief or monetary damages or
6 both.

7 E. A court may require the person, municipality, agency or
8 political subdivision to pay reasonable expenses to the aggrieved
9 party in a civil action filed pursuant to the provisions of
10 subsection D of this section if:

11 1. The aggrieved party first provides written notice of the
12 unlawful order, policy, ordinance, resolution or regulation by
13 certified, first-class mail or service of process to the clerk of
14 the municipality or to the designated agent of the municipality,
15 agency or political subdivision and allows the person, municipality,
16 agency or political subdivision ninety (90) days to rescind, repeal
17 or otherwise abrogate the order, policy, ordinance, resolution or
18 regulation; and

19 2. A court rules in favor of the aggrieved person whose rights
20 were violated and the issue in controversy is governed by previously
21 settled law.

22 If the person, municipality, agency or political subdivision
23 fails to rescind, repeal or otherwise abrogate the unlawful order,
24 policy, ordinance, resolution or regulation within ninety (90) days

1 of required notice, as provided in paragraph 1 of this subsection
2 and the order, policy, ordinance, resolution or regulation is
3 subsequently rescinded, repealed or otherwise abrogated after the
4 aggrieved party files suit, the aggrieved party shall retain
5 standing in the suit and may recover damages or reasonable expenses.

6 F. As used in this section, ~~air~~:

7 1. "Air powered pistol" or "air powered rifle" is any pistol or
8 rifle that uses compressed air or other compressed gas to project
9 plastic BB-like or pellet-like projectiles at a speed not exceeding
10 400 feet per second; and

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

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

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15 COMMITTEE REPORT BY: COMMITTEE ON STATE POWERS, dated 02/21/2023 -
16 DO PASS.

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