

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2820

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; expanding scope of state
10 preemption provision to include firearm and
11 ammunition components; prohibiting the adoption of
12 policies or resolutions that violate state preemption
13 provision; clarifying procedures that authorize the
14 filing of civil actions; providing for the payment of
15 reasonable expenses under certain circumstances;
16 allowing aggrieved persons to retain standing under
17 certain circumstances; defining term; and declaring
18 an emergency.

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

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

Section 1289.24.

FIREARM REGULATION - STATE PREEMPTION

A. 1. The State Legislature hereby occupies 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

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

7 2. A municipality may adopt any ordinance:

- 8 a. relating to the discharge of firearms within the
9 jurisdiction of the municipality,
- 10 b. allowing the municipality to issue a traffic citation
11 for transporting a firearm improperly as provided for
12 in Section 1289.13A of this title, provided, however,
13 that penalties contained for violation of any
14 ordinance enacted pursuant to the provisions of this
15 subparagraph shall not exceed the penalties
16 established in the Oklahoma Self-Defense Act, and
- 17 c. allowing the municipality to issue a citation to an
18 individual or the parent or guardian of a minor who
19 discharges an air powered pistol or air powered rifle
20 in an intentional or negligent manner which causes the
21 projectile to leave the intended premises.

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

1 any municipality, agency, or other political subdivision of this
2 state as disorderly conduct, disturbing the peace or similar offense
3 against public order.

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

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

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

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

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

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

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

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

23 If the person, municipality, agency or political subdivision
24 fails to rescind, repeal or otherwise abrogate the unlawful order,

1 policy, ordinance, resolution or regulation within ninety (90) days
2 of required notice, as provided in paragraph 1 of this subsection
3 and the order, policy, ordinance, resolution or regulation is
4 subsequently rescinded, repealed or otherwise abrogated after the
5 aggrieved party files suit, the aggrieved party shall retain
6 standing in the suit and may recover damages or reasonable expenses.

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

8 1. "Air powered pistol" or "air powered rifle" is any pistol or
9 rifle that uses compressed air or other compressed gas to project
10 plastic BB-like or pellet-like projectiles at a speed not exceeding
11 400 feet per second; and

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

14 SECTION 2. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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