

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2041

By: Nichols

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Section 1289.24, which relates to firearm regulations
9 and state preemption; allowing municipalities to
enact certain ordinances; 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,
21 components, ammunition and supplies to the complete exclusion of any
22 order, ordinance or regulation by any municipality or other
23 political subdivision of this state. Any existing or future orders,
24 ordinances or regulations in this field, except as provided for in

1 paragraph 2 of this subsection and subsection C of this section, are
2 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, and

18 d. relating to the type of firearms that residents within
19 the jurisdiction of the municipality may have in their
20 possession or under their immediate control.

21 Municipalities with a population of sixty thousand
22 (60,000) or more according to the latest Federal
23 Decennial Census shall have the authority to enact
24 ordinances that restricts residents of the

1 municipality from owning, possessing or having in
2 their immediate control certain firearms and other
3 dangerous weapons. The municipality shall further be
4 authorized to issue citations for violations of the
5 municipal ordinance.

6 3. As provided in the preemption provisions of this section,
7 the otherwise lawful carrying or possession of a firearm under the
8 provisions of Chapter 53 of this title shall not be punishable by
9 any municipality or other political subdivision of this state as
10 disorderly conduct, disturbing the peace or similar offense against
11 public order.

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

15 B. ~~No~~ Except as provided in paragraph 2 of subsection A of this
16 section, no municipality or other political subdivision of this
17 state shall adopt any order, ordinance or regulation concerning in
18 any way the sale, purchase, purchase delay, transfer, ownership,
19 use, keeping, possession, carrying, bearing, transportation,
20 licensing, permit, registration, taxation other than sales and
21 compensating use taxes or other controls on firearms, knives,
22 components, ammunition and supplies.

23 C. Except as hereinafter provided, this section shall not
24 prohibit any order, ordinance or regulation by any municipality

1 concerning the confiscation of property used in violation of the
2 ordinances of the municipality as provided for in Section 28-121 of
3 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
4 ordinance relating to transporting a firearm or knife improperly may
5 include a provision for confiscation of property.

6 D. When a person's rights pursuant to the protection of the
7 preemption provisions of this section have been violated, the person
8 shall have the right to bring a civil action against the persons,
9 municipality, and political subdivision jointly and severally for
10 injunctive relief or monetary damages or both.

11 E. As used in this section, air powered pistol or air powered
12 rifle is any pistol or rifle that uses compressed air or other
13 compressed gas to project plastic BB-like or pellet-like projectiles
14 at a speed not exceeding 400 feet per second.

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

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17 59-1-6815 GRS 01/10/23

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