

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3157

6 By: West (Kevin)

7 COMMITTEE SUBSTITUTE

8 An Act relating to firearms; amending 11 O.S. 2021,
9 Section 22-110, which relates to the power of
10 municipalities to regulate or prohibit certain
11 conduct; deleting the power of municipalities to
12 regulate the carrying of firearms; amending 21 O.S.
13 2021, Section 1321.4, which relates to powers of the
14 Governor during a state of emergency; providing
15 exception to certain regulatory powers; prohibiting
16 the Governor and certain officials from authorizing
17 certain conduct; and providing an effective date.

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

19 SECTION 1. AMENDATORY 11 O.S. 2021, Section 22-110, is
20 amended to read as follows:

21 Section 22-110. A. The municipal governing body may regulate
22 or prohibit riots, assaults, batteries, petty larceny, disturbances
23 or disorderly assemblies, and immoral or indecent shows, exhibitions
24 or concerts, in any street, house or place in the municipality; and
may regulate, punish, and prevent the discharge of firearms,
rockets, powder, fireworks, or other dangerously combustible

1 material in the streets, lots, grounds, alleys or about, or in the
2 vicinity of any buildings. ~~The governing body may also regulate the~~
3 ~~carrying of firearms or other deadly weapons, concealed or~~
4 ~~otherwise, as provided for in Section 1289.24 of Title 21 of the~~
5 ~~Oklahoma Statutes.~~

6 B. No municipality shall regulate by order, resolution,
7 ordinance, regulation, or other legislation prohibiting the
8 transport of fireworks, in their unopened original packaging in a
9 motor vehicle within the municipal limits. No municipality shall
10 adopt or continue in effect resolutions, ordinances, or regulations
11 prohibiting the transport of fireworks in their unopened original
12 packaging by a motor vehicle. Local orders, resolutions,
13 ordinances, regulations, or legislation in violation of this section
14 are void and unenforceable.

15 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1321.4, is
16 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;

1 2. A designated number of persons, as designated by the
2 Governor, from assembling or gathering on the public streets, parks,
3 or other open areas of this state, either public or private;

4 3. The manufacture, transfer, use, possession or transportation
5 of a molotov cocktail or any other device, instrument or object
6 designed to explode or produce uncontained combustion; provided,
7 however, this shall not include explosives or combustibles that are
8 components used specifically by and for the manufacture of firearm
9 ammunition;

10 4. The transporting, possessing or using of gasoline, kerosene,
11 or combustible, flammable, or explosive liquids or materials in a
12 glass or uncapped container of any kind ~~except~~; provided, however
13 this shall not apply to the use of said liquids or materials in
14 connection with the normal operation of motor vehicles, normal home
15 use or legitimate commercial use or explosives or flammable
16 materials that are components used specifically by and for the
17 manufacture of firearm ammunition;

18 5. The sale, purchase or dispensing of alcoholic beverages;

19 6. The sale, purchase or dispensing of other commodities or
20 goods, as the Governor reasonably believes should be prohibited to
21 help preserve and maintain life, health, property or the public
22 peace;

23 7. The use of certain streets, highways or public ways by the
24 public; and

1 8. Such other activities as the Governor reasonably believes
2 should be prohibited to help preserve and maintain life, health,
3 property or the public peace.

4 B. Notwithstanding this section or any other law of this state,
5 neither the Governor nor any official of a municipal or state entity
6 shall ~~prohibit~~:

7 1. Prohibit or suspend the sale, ownership, possession,
8 transportation, carrying, transfer and storage of firearms,
9 ammunition and ammunition accessories during a declared state of
10 emergency, that are otherwise legal under state law; or

11 2. Prohibit or restrict the business or operations of a
12 firearms or ammunition manufacturer, distributor, wholesaler,
13 supplier, retailer, or a gun range.

14 C. In imposing the restrictions provided for by the Oklahoma
15 Riot Control and Prevention Act, the Governor may impose them for
16 such times, upon such conditions, with such exceptions and in such
17 areas of this state the Governor from time to time deems necessary.

18 D. Any individual aggrieved by a violation of subsection B of
19 this section may seek relief in an action at law or in equity for
20 redress against any person who subjects such individual or causes
21 such individual to be subjected to an action prohibited by
22 subsection B of this section. In addition to any other remedy at
23 law or in equity, an individual aggrieved by the seizure or
24 confiscation of a firearm or ammunition in violation of subsection B

1 of this section may bring an action for the return of such firearm
2 or ammunition in the district court of the county in which that
3 individual resides or in which such firearm or ammunition is
4 located. In any action or proceeding to enforce the provisions of
5 this section, the court shall award the prevailing plaintiff costs
6 and reasonable attorney fees.

7 SECTION 3. This act shall become effective November 1, 2022.

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