1   STATE OF OKLAHOMA

2   1st Session of the 58th Legislature (2021)

3   HOUSE BILL 2336   By: Steagall

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6   AS INTRODUCED

7   An Act relating to crimes and punishments; amending
         21 O.S. 2011, Section 1321.4, as amended by Section
8   1, Chapter 271, O.S.L. 2012 (21 O.S. Supp. 2020,
         Section 1321.4), which relates to the Oklahoma Riot
9   Control and Prevention Act; removing ability of
         Governor to restrict certain activities during state
10   of emergency; 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. 2011, Section 1321.4, as

15   amended by Section 1, Chapter 271, O.S.L. 2012 (21 O.S. Supp. 2020,

16   Section 1321.4), is 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;

7   ~~4.~~ 3. The transporting, possessing or using of gasoline,

8 kerosene, or combustible, flammable, or explosive liquids or

9 materials in a glass or uncapped container of any kind except in

10 connection with the normal operation of motor vehicles, normal home

11 use or legitimate commercial use; and

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

13   ~~6.   The sale, purchase or dispensing of other commodities or~~

14 ~~goods, as the Governor reasonably believes should be prohibited to~~

15 ~~help preserve and maintain life, health, property or the public~~

16 ~~peace;~~

17   ~~7.~~ 4. The use of certain streets, highways or public ways by

18 the public~~; and~~

19   ~~8.   Such other activities as the Governor reasonably believes~~

20 ~~should be prohibited to help preserve and maintain life, health,~~

21 ~~property or the public peace.~~

22   B. Notwithstanding this section or any other law of this state,

23 neither the Governor nor any official of a municipal or state entity

24 shall prohibit or suspend the sale, ownership, possession,

transportation, carrying, transfer and storage of firearms,

ammunition and ammunition accessories during a declared state of

emergency, that are otherwise legal under state law.

C. In imposing the restrictions provided for by the Oklahoma

Riot Control and Prevention Act, the Governor may impose them for

such times, upon such conditions, with such exceptions and in such

areas of this state the Governor from time to time deems necessary.

D. Any individual aggrieved by a violation of subsection B of

this section may seek relief in an action at law or in equity for

redress against any person who subjects such individual or causes

such individual to be subjected to an action prohibited by

subsection B of this section. In addition to any other remedy at

law or in equity, an individual aggrieved by the seizure or

confiscation of a firearm or ammunition in violation of subsection B

of this section may bring an action for the return of such firearm

or ammunition in the district court of the county in which that

individual resides or in which such firearm or ammunition is

located. In any action or proceeding to enforce the provisions of

this section, the court shall award the prevailing plaintiff costs

and reasonable attorney fees.

SECTION 2. This act shall become effective November 1, 2021.

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