An Act

ENROLLED SENATE
BILL NO. 1760

By: Sykes, Allen, Garrison, Russell, Shortey, Simpson, Jolley, Brecheen, Marlatt, Stanislawski, Newberry, Brinkley, Branan, Holt, Brown, Barrington, Halligan, Griffin, Johnson (Rob), Treat, Sparks and Crain of the Senate

and

Shannon, Johnson, Bennett, Derby, Vaughan, Christian, Lockhart, Moore and Kern of the House

An Act relating to the Oklahoma Riot Control and Prevention Act; amending 21 O.S. 2011, Section 1321.4, which relates to prohibited acts; prohibiting certain actions by certain officials; providing certain relief in an action at law or in equity for redress under certain circumstances; authorizing certain action in district court; providing for certain costs and attorney fees; and providing an effective date.

SUBJECT: Prohibited conduct under the Oklahoma Riot Control and Prevention Act

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1321.4, is amended to read as follows:

Section 1321.4. ~~(a)~~ A. The Governor during the existence of a state of emergency, by proclamation, may, in the area described by the proclamation, which ~~said~~ proclamation shall not cover any part or portion of the state not affected by public disorder, disaster, or riot at the time ~~said~~ the proclamation is issued, prohibit:

~~(1) any~~ 1. Any person being on the public streets, or in the public parks or at any other public place during the hours declared by the Governor to be a period of curfew;

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

~~(3) the~~ 3. The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

~~(4) the~~ 4. The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

~~(5) the~~ 5. The sale, purchase or dispensing of alcoholic beverages;

~~(6) the~~ 6. The sale, purchase or dispensing of other commodities or goods, as ~~he~~ the Governor reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

~~(7) the~~ 7. The use of certain streets, highways or public ways by the public; and

~~(8) such~~ 8. Such other activities as ~~he~~ the Governor reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

~~(b)~~ B. Notwithstanding this section or any other law of this state, neither the Governor nor any official of a municipal or state entity 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 ~~this act~~ 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, 2012.

Passed the Senate the 9th day of May, 2012.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2012.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 10th

day of May, 20 12,

at 2:30 o'clock PM.

By: Jessica R. Byers

Approved by the Governor of the State of Oklahoma the 16th day of

May, 20 12, at 2:22 o'clock PM.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

16th day of May, 20 12,

at 3:14 o'clock P M.

By: Michelle R Day