

ENROLLED HOUSE  
BILL NO. 2994

By: Enns, Ritze, Moore, Dank,  
Osborn, Reynolds, Duncan,  
Christian, Terrill, Key,  
Thompson, Martin (Steve),  
Kern, Faught, Harrison,  
McCullough, Tibbs, Ortega,  
Jett and Walker of the  
House

and

Brogdon, Gumm, Sykes,  
Marlatt and Garrison of the  
Senate

An Act relating to firearms regulation; creating the Firearms Freedom Act; providing short title; providing legislative declarations; providing definitions; making certain firearms, firearm accessories or ammunition exempt from federal law or federal regulation; providing exceptions; requiring certain identification mark on firearms manufactured or sold in Oklahoma; providing applicability of act; requiring the Oklahoma Department of Commerce to collaborate with an institution of higher education to develop certain strategies; requiring the institution to designate a liaison; stating legislative findings; stating legislative intent; providing for codification; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Sections 2 through 8 of this act shall be known and may be cited as the "Firearms Freedom Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-101 of Title 12A, unless there is created a duplication in numbering, reads as follows:

The Legislature declares that the authority for Sections 2 through 5 of this act is the following:

1. The Tenth Amendment to the United States Constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the United States Constitution and reserves to the state and people of Oklahoma certain powers as they were understood at the time that Oklahoma was admitted to statehood in 1907. The guaranty of those powers is a matter of contract between the state and people of Oklahoma and the United States as of the time that the compact with the United States was agreed upon and adopted by Oklahoma and the United States in 1907;

2. The Ninth Amendment to the United States Constitution guarantees to the people rights not granted in the United States Constitution and reserves to the people of Oklahoma certain rights as they were understood at the time that Oklahoma was admitted to statehood in 1907. The guaranty of those rights is a matter of contract between the state and people of Oklahoma and the United States as of the time that the compact with the United States was agreed upon and adopted by Oklahoma and the United States in 1907;

3. The regulation of intrastate commerce is vested in the states under the Ninth and Tenth Amendments to the United States Constitution, particularly if not expressly preempted by federal law. Congress has not expressly preempted state regulation of intrastate commerce pertaining to the manufacture on an intrastate basis of firearms, firearm accessories, and ammunition;

4. The Second Amendment to the United States Constitution reserves to the people the right to keep and bear arms as that right was understood at the time that Oklahoma was admitted to statehood in 1907, and the guaranty of the right is a matter of contract between the state and people of Oklahoma and the United States as of the time that the compact with the United States was agreed upon and adopted by Oklahoma and the United States in 1907; and

5. Section 26 of Article II of the Oklahoma Constitution clearly secures to Oklahoma citizens, and prohibits interference with, the right of individual Oklahoma citizens to keep and bear arms. This constitutional protection is unchanged from the 1907

Oklahoma Constitution, which was approved by Congress and the people of Oklahoma, and the right exists as it was understood at the time that the compact with the United States was agreed upon and adopted by Oklahoma and the United States in 1907.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-102 of Title 12A, unless there is created a duplication in numbering, reads as follows:

As used in Sections 2 through 5 of this act, the following definitions apply:

1. "Borders of Oklahoma" means the boundaries of Oklahoma described in Section 3 of Article I of the Oklahoma Constitution;

2. "Firearm accessories" means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including but not limited to telescopic or laser sights, magazines, flash suppressors, folding or aftermarket stocks and grips, speed loaders, ammunition carriers, and lights for target illumination;

3. "Generic and insignificant parts" includes but is not limited to springs, screws, nuts, and pins; and

4. "Manufactured" means that a firearm, a firearm accessory, or ammunition has been created from basic materials for functional usefulness, including but not limited to forging, casting, machining, or other processes for working materials.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-103 of Title 12A, unless there is created a duplication in numbering, reads as follows:

A personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in Oklahoma and that remains within the borders of Oklahoma is not subject to federal law or federal regulation, including registration, under the authority of Congress to regulate interstate commerce. It is declared by the Legislature that those items have not traveled in interstate commerce. This section applies to a firearm, a firearm accessory, or ammunition that is manufactured in Oklahoma from basic materials and that can be manufactured without the inclusion of any significant parts imported from another state. Generic and insignificant parts that have other manufacturing or consumer

product applications are not firearms, firearm accessories, or ammunition, and their importation into Oklahoma and incorporation into a firearm, a firearm accessory, or ammunition manufactured in Oklahoma does not subject the firearm, firearm accessory, or ammunition to federal regulation. It is declared by the Legislature that basic materials, such as unmachined steel and unshaped wood, are not firearms, firearm accessories, or ammunition and are not subject to congressional authority to regulate firearms, firearm accessories, and ammunition under interstate commerce as if they were actually firearms, firearm accessories, or ammunition. The authority of Congress to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearm accessories, and ammunition made in Oklahoma from those materials. Firearm accessories that are imported into Oklahoma from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in Oklahoma.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-104 of Title 12A, unless there is created a duplication in numbering, reads as follows:

The provisions of Section 4 of this act do not apply to:

1. A firearm that cannot be carried and used by one person;
2. A firearm that has a bore diameter greater than one and one-half (1 1/2) inches and that uses smokeless powder, not black powder, as a propellant;
3. Ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; or
4. A firearm that discharges or a firearm that activates two or more primers with one activation of the trigger.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-105 of Title 12A, unless there is created a duplication in numbering, reads as follows:

A firearm manufactured or sold in Oklahoma under the provisions of Sections 2 through 5 of this act must have the words "Made in

Oklahoma" clearly stamped on a central metallic part, such as the receiver or frame.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-106 of Title 12A, unless there is created a duplication in numbering, reads as follows:

The provisions of this act apply to firearms, firearm accessories, and ammunition that are manufactured, as defined in Section 3 of this act, and retained in Oklahoma after November 1, 2010.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-107 of Title 12A, unless there is created a duplication in numbering, reads as follows:

A. In order to encourage production of firearms within the state of Oklahoma, the Oklahoma Department of Commerce shall collaborate with an Oklahoma institution of higher education that offers a gunsmith curriculum to develop strategies to attract firearms manufacturers to locate within the state of Oklahoma.

B. Such institution of higher education shall designate a liaison with the Oklahoma Department of Commerce to coordinate said efforts.

C. It is the finding of the Oklahoma Legislature that the manufacturing of firearms is a manufacturing activity classified in the North American Industry Classification System (NAICS) Manual under Industry Sector Number 33, as defined in Section 3603 et seq. of Title 68 of the Oklahoma Statutes, and therefore qualifies for certain economic incentives.

D. As a means to better protect Oklahomans' right under the Second Amendment to the U.S. Constitution to keep and bear arms, it is the intent of the Oklahoma Legislature that the Oklahoma Department of Commerce, and other agencies of this state charged with the responsibility of recruiting or assisting in the recruitment of businesses, actively promote the use of existing economic incentives as inducement for firearms manufacturers to relocate within Oklahoma.

SECTION 9. This act shall become effective November 1, 2010.

Passed the House of Representatives the 5th day of May, 2010.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 14th day of April, 2010.

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Presiding Officer of the Senate