

THE HOUSE OF REPRESENTATIVES
Monday, February 22, 2010

House Bill No. 2994

HOUSE BILL NO. 2994 - By: ENNS AND RITZE of the House and ANDERSON of the Senate.

An Act relating to firearms regulation; creating the Firearms Freedom Act; providing short title; providing legislative intent; 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; providing for codification; providing for noncodification; and providing an effective date.

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

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

3 Sections 2 through 7 of this act shall be known and may be cited as the “Firearms
4 Freedom Act”.

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

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

10 1. The Tenth Amendment to the United States Constitution guarantees to the
11 states and their people all powers not granted to the federal government elsewhere in the

1 United States Constitution and reserves to the state and people of Oklahoma certain
2 powers as they were understood at the time that Oklahoma was admitted to statehood in
3 1907. The guaranty of those powers is a matter of contract between the state and people
4 of Oklahoma and the United States as of the time that the compact with the United
5 States was agreed upon and adopted by Oklahoma and the United States in 1907;

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

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

18 4. The Second Amendment to the United States Constitution reserves to the people
19 the right to keep and bear arms as that right was understood at the time that Oklahoma
20 was admitted to statehood in 1907, and the guaranty of the right is a matter of contract
21 between the state and people of Oklahoma and the United States as of the time that the

1 compact with the United States was agreed upon and adopted by Oklahoma and the
2 United States in 1907; and

3 5. Section 26 of Article II of the Oklahoma Constitution clearly secures to
4 Oklahoma citizens, and prohibits interference with, the right of individual Oklahoma
5 citizens to keep and bear arms. This constitutional protection is unchanged from the
6 1907 Oklahoma Constitution, which was approved by Congress and the people of
7 Oklahoma, and the right exists as it was understood at the time that the compact with
8 the United States was agreed upon and adopted by Oklahoma and the United States in
9 1907.

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

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

14 1. "Borders of Oklahoma" means the boundaries of Oklahoma described in Section
15 3 of Article I of the Oklahoma Constitution;

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

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

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

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

7 A personal firearm, a firearm accessory, or ammunition that is manufactured
8 commercially or privately in Oklahoma and that remains within the borders of
9 Oklahoma is not subject to federal law or federal regulation, including registration,
10 under the authority of Congress to regulate interstate commerce. It is declared by the
11 Legislature that those items have not traveled in interstate commerce. This section
12 applies to a firearm, a firearm accessory, or ammunition that is manufactured in
13 Oklahoma from basic materials and that can be manufactured without the inclusion of
14 any significant parts imported from another state. Generic and insignificant parts that
15 have other manufacturing or consumer product applications are not firearms, firearm
16 accessories, or ammunition, and their importation into Oklahoma and incorporation into
17 a firearm, a firearm accessory, or ammunition manufactured in Oklahoma does not
18 subject the firearm, firearm accessory, or ammunition to federal regulation. It is
19 declared by the Legislature that basic materials, such as unmachined steel and unshaped
20 wood, are not firearms, firearm accessories, or ammunition and are not subject to
21 congressional authority to regulate firearms, firearm accessories, and ammunition under
22 interstate commerce as if they were actually firearms, firearm accessories, or

1 ammunition. The authority of Congress to regulate interstate commerce in basic
2 materials does not include authority to regulate firearms, firearm accessories, and
3 ammunition made in Oklahoma from those materials. Firearm accessories that are
4 imported into Oklahoma from another state and that are subject to federal regulation as
5 being in interstate commerce do not subject a firearm to federal regulation under
6 interstate commerce because they are attached to or used in conjunction with a firearm
7 in Oklahoma.

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 A firearm manufactured or sold in Oklahoma under the provisions of Sections 2
2 through 5 of this act must have the words "Made in Oklahoma" clearly stamped on a
3 central metallic part, such as the receiver or frame.

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

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

10 SECTION 8. This act shall become effective November 1, 2010.

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-18-10 - DO
12 PASS, As Coauthored.

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BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.