

THE HOUSE OF REPRESENTATIVES  
Monday, April 5, 2010

ENGROSSED

Senate Bill No. 1685

ENGROSSED SENATE BILL NO. 1685 - By: BROGDON, IVESTER, GUMM AND RUSSELL of the Senate and KEY, ENNS, RITZE, TIBBS, MURPHEY AND MCCULLOUGH of the House.

An Act relating to firearms; creating the Oklahoma Firearms Freedom Act; providing short title; stating legislative findings; defining terms; providing that certain firearms are not subject to certain federal regulation; stating applicability of provisions; clarifying extent of certain authority; requiring certain stamp on specified items; stating exceptions; requiring collaboration by certain entities for specified purpose; requiring designation of certain liaison; stating legislative findings and intent; providing for codification; and declaring an emergency.

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

1           SECTION 1.   NEW LAW   A new section of law to be codified in the Oklahoma  
2 Statutes as Section 9041 of Title 74, unless there is created a duplication in numbering,  
3 reads as follows:

4           This act shall be known and may be cited as the “Oklahoma Firearms Freedom  
5 Act”.

6           SECTION 2.   NEW LAW   A new section of law to be codified in the Oklahoma  
7 Statutes as Section 9042 of Title 74, unless there is created a duplication in numbering,  
8 reads as follows:

1 The Legislature finds that:

2 1. The tenth amendment to the United States Constitution guarantees to the states  
3 and their people all powers not granted to the federal government elsewhere in the  
4 Constitution and reserves to the state and people of Oklahoma certain powers as they  
5 were understood at the time that Oklahoma was admitted to statehood;

6 2. The ninth amendment to the United States Constitution guarantees to the  
7 people rights not granted in the Constitution and reserves to the people of Oklahoma  
8 certain rights as they were understood at the time that Oklahoma was admitted to  
9 statehood;

10 3. The regulation of intrastate commerce is vested in the states under the ninth  
11 and tenth amendments to the United States Constitution, particularly if not expressly  
12 preempted by federal law. Congress has not expressly preempted state regulation of  
13 intrastate commerce pertaining to the manufacture on an intrastate basis of firearms,  
14 firearms accessories and ammunition;

15 4. The second amendment to the United States Constitution reserves to the people  
16 the right to keep and bear arms as that right was understood at the time that Oklahoma  
17 was admitted to statehood; and

18 5. The Oklahoma Constitution secures to Oklahoma citizens, and prohibits  
19 government interference with, the right of individual citizens to keep and bear arms.

20 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma  
21 Statutes as Section 9043 of Title 74, unless there is created a duplication in numbering,  
22 reads as follows:

1 As used in this Act:

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

7 2. "Generic and insignificant parts" means parts which include, but are not limited  
8 to, springs, screws, primers, nuts and pins;

9 3. "Manufactured" means creating a firearm, a firearm accessory, or ammunition  
10 from basic materials for functional usefulness, including, but not limited to, forging,  
11 casting, machining or other processes for working materials; and

12 4. "Significant parts or components" means parts or components necessary for a  
13 complete and functioning firearm, but not independently sufficient to constitute a  
14 firearm or firearm accessory.

15 SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma  
16 Statutes as Section 9044 of Title 74, unless there is created a duplication in numbering,  
17 reads as follows:

18 A personal firearm, a firearm accessory, or ammunition that is manufactured or  
19 assembled commercially or privately in the state of Oklahoma and that remains within  
20 the borders of this state is not subject to federal law or federal regulation, including  
21 registration, under the authority of Congress to regulate interstate commerce. Such  
22 items shall not be deemed to have traveled in interstate commerce. This section applies

1 to a firearm, a firearm accessory, or ammunition that is manufactured or assembled in  
2 this state from basic materials and that can be manufactured or assembled with or  
3 without the inclusion of any significant parts or components imported into this state.  
4 Generic and insignificant parts that have other manufacturing or consumer product  
5 applications are not firearms, firearms accessories or ammunition, and their importation  
6 into this state and incorporation into a firearm, a firearm accessory or ammunition  
7 manufactured or assembled in this state does not subject the firearm, firearm accessory  
8 or ammunition to federal regulation. Basic materials, such as unmachined steel,  
9 unshaped wood, gunpowder and primers shall not be deemed firearms, firearm  
10 accessories or ammunition and are not subject to congressional authority to regulate  
11 firearms, firearms accessories and ammunition under interstate commerce as if they  
12 were actually firearms, firearms accessories or ammunition. The authority of Congress  
13 to regulate interstate commerce in basic materials does not include authority to regulate  
14 firearms, firearms accessories and ammunition manufactured or assembled in this state  
15 from such materials. Firearms accessories that are imported into this state from another  
16 state and that are subject to federal regulation as being in interstate commerce do not  
17 subject a firearm to federal regulation under interstate commerce because such  
18 accessories are attached to or used in conjunction with a firearm in this state.

19 SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma  
20 Statutes as Section 9045 of Title 74, unless there is created a duplication in numbering,  
21 reads as follows:

1 A firearm manufactured or assembled in this state under this act shall have the  
2 words “Made in Oklahoma” clearly stamped on a central metallic part, such as the  
3 receiver or frame.

4 SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma  
5 Statutes as Section 9046 of Title 74, unless there is created a duplication in numbering,  
6 reads as follows:

7 Section 4 of this act shall not apply to:

- 8 1. A firearm that cannot be carried and used by one person;
- 9 2. A firearm that has a bore diameter greater than one and one-half (1 1/2) inches

10 and that uses smokeless powder, not black powder, as a propellant; or

11 3. Ammunition with a projectile that explodes using an explosion of chemical  
12 energy after the projectile leaves the firearm.

13 SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma  
14 Statutes as Section 9047 of Title 74, unless there is created a duplication in numbering,  
15 reads as follows:

16 A. The Oklahoma Department of Commerce shall collaborate with an Oklahoma  
17 institution of higher education that offers a gunsmith curriculum to develop strategies to  
18 attract a firearms manufacturer to locate within the state of Oklahoma.

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

21 C. It is the finding of the Oklahoma Legislature that the manufacturing of firearms  
22 is a manufacturing activity classified in the North American Industry Classification

1 System (NAICS) Manual under Industry Sector Number 33, as defined in Section 3603 et  
2 seq. of Title 68 of the Oklahoma Statutes, and therefore qualifies for certain economic  
3 incentives. It is the intent of the Oklahoma Legislature that the Oklahoma Department  
4 of Commerce and other agencies of this state with the responsibility of recruiting or  
5 assisting in the recruitment of businesses actively promote the use of existing economic  
6 incentives to be extended to firearms manufacturers as inducement to relocate to  
7 Oklahoma.

8 SECTION 8. It being immediately necessary for the preservation of the public  
9 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
10 this act shall take effect and be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04-01-10 - DO  
12 PASS, As Coauthored.