

3 Senate Bill No. 1685

4 SENATE BILL NO. 1685 - By: Brogdon of the Senate and Key of the
5 House.

6 An Act relating to firearms; creating the Oklahoma Firearms
7 Freedom Act; providing short title; stating legislative
8 findings; defining terms; providing that certain firearms
9 are not subject to certain federal regulation; stating
10 applicability of provisions; clarifying extent of certain
11 authority; requiring certain stamp on specified items;
12 stating exceptions; providing for codification; and
13 declaring an emergency.

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

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

18 This act shall be known and may be cited as the "Oklahoma
19 Firearms Freedom Act".

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

23 The Legislature finds that:

24 1. The tenth amendment to the United States Constitution
25 guarantees to the states and their people all powers not granted to
26 the federal government elsewhere in the Constitution and reserves to

1 the state and people of Oklahoma certain powers as they were
2 understood at the time that Oklahoma was admitted to statehood;

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

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

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

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

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

23 As used in this Act:

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

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

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

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

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

20 A personal firearm, a firearm accessory, or ammunition that is
21 manufactured or assembled commercially or privately in the state of
22 Oklahoma and that remains within the borders of this state is not
23 subject to federal law or federal regulation, including

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

1 interstate commerce do not subject a firearm to federal regulation
2 under interstate commerce because such accessories are attached to
3 or used in conjunction with a firearm in this state.

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

7 A firearm manufactured or assembled in this state under this act
8 shall have the words "Made in Oklahoma" clearly stamped on a central
9 metallic part, such as the receiver or frame.

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

13 Section 4 of this act shall not apply to:

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

21 SECTION 7. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-16-10 - DO
4 PASS, As Coauthored.