

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1685

By: Brogdon

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6 AS INTRODUCED

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

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

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

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

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

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

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

4 As used in this Act:

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

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

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

17 4. "Significant parts or components" means parts or components
18 necessary for a complete and functioning firearm, but not
19 independently sufficient to constitute a firearm or firearm
20 accessory.

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

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

1 manufactured or assembled in this state from such materials.
2 Firearms accessories that are imported into this state from another
3 state and that are subject to federal regulation as being in
4 interstate commerce do not subject a firearm to federal regulation
5 under interstate commerce because such accessories are attached to
6 or used in conjunction with a firearm in this state.

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

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

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

16 Section 4 of this act shall not apply to:

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

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1 SECTION 7. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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