

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 2021

By: Roberts (Sean), Ritze,
Hulbert, Moore, Bennett,
Reynolds, Sanders,
Cockroft, Fisher, Kern,
Nollan, Newell, Murphey,
Turner and Brumbaugh

AS INTRODUCED

An Act relating to firearms; creating the Firearms Freedom Act; providing short title; 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; establishing conditions for the possession and purchase of specified firearms; providing legislative findings and declarations of authority; 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:

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

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

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

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

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

8 2. "Firearm" means any weapon which will or is designed to
9 expel a projectile by the action of an explosive and shall not
10 include any fully automatic weapon or any weapon designed to fire a
11 rocket-propelled grenade or any explosive projectile;

12 3. "Firearm accessories" means items that are used in
13 conjunction with or mounted upon a firearm but are not essential to
14 the basic function of a firearm including, but not limited to,
15 telescopic or laser sights, magazines, folding or aftermarket stocks
16 and grips, ammunition carriers, optics for target identification and
17 lights for target illumination;

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

20 5. "Manufactured" means that a firearm, a firearm accessory, or
21 ammunition has been created from basic materials for functional
22 usefulness, including but not limited to, forging, casting,
23 machining, molding or other processes for working materials.
24

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

4 A. A personal firearm, a firearm accessory, or ammunition that
5 is manufactured commercially or privately in Oklahoma and that
6 remains exclusively within the borders of Oklahoma is not subject to
7 federal law, federal taxation or federal regulation, including
8 registration, under the authority of the United States Congress to
9 regulate interstate commerce. It is declared by the Oklahoma
10 Legislature that those items have not traveled in interstate
11 commerce. This section applies to a firearm, a firearm accessory,
12 or ammunition that is manufactured in Oklahoma from basic materials
13 and that can be manufactured without the inclusion of any
14 significant parts imported from another state or foreign country.
15 Generic and insignificant parts that have other manufacturing or
16 consumer product applications are not firearms, firearms
17 accessories, or ammunition, and their importation into Oklahoma and
18 incorporation into a firearm, a firearm accessory, or ammunition
19 manufactured in Oklahoma does not subject the firearm, firearm
20 accessory, or ammunition to federal regulation. It is declared by
21 the Oklahoma Legislature that basic materials including, but not
22 limited to, polymers, unmachined metal, ferrous or nonferrous, bar
23 stock, ingots or forgings and unshaped wood are not firearms,
24 firearms accessories, or ammunition and are not subject to

1 congressional authority to regulate firearms, firearms accessories,
2 and ammunition under interstate commerce as if they were actually
3 firearms, firearms accessories, or ammunition. The authority of the
4 United States Congress to regulate interstate commerce in basic
5 materials does not include authority to regulate firearms, firearms
6 accessories, and ammunition made within Oklahoma borders from those
7 materials. Firearms accessories that are imported into Oklahoma
8 from another state and that are subject to federal regulation as
9 being in interstate commerce do not subject a firearm to federal
10 regulation under interstate commerce because the firearm accessory
11 is attached to or used in conjunction with a firearm in Oklahoma.

12 B. A firearm manufactured or sold in Oklahoma under the
13 provisions of this act shall have the words "Made in Oklahoma"
14 clearly stamped, inscribed or otherwise marked on a central metallic
15 part of the firearm, such as the receiver or frame.

16 C. To possess a firearm covered by this section a person shall:

- 17 1. Not have been convicted of any felony in any state,
18 territory or other jurisdiction of the United States;
19 2. Not currently be adjudicated as legally incompetent; and
20 3. Not have been committed to a mental health institution.

21 D. To purchase a firearm covered by this section a person
22 shall:

- 23 1. Be at least:
24

1 a. twenty-one (21) years of age if the firearm is a
2 handgun, or

3 b. eighteen (18) years of age if the firearm is a shotgun
4 or rifle;

5 2. Not have been convicted of any felony in any state,
6 territory or other jurisdiction of the United States;

7 3. Not currently be adjudicated as legally incompetent; and

8 4. Not have been committed to a mental health institution.

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

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

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

23 2. The Ninth Amendment to the United States Constitution
24 guarantees to the people rights not granted in the United States

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

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. The United States Congress has not expressly preempted state
11 regulation of intrastate commerce pertaining to the manufacture on
12 an intrastate basis of firearms, firearms accessories, and
13 ammunition;

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

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

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

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

8 The provisions of this act applies to firearms, firearms
9 accessories, and ammunition that are manufactured, as defined in
10 Section 2 of this act, and retained in Oklahoma after November 1,
11 2013.

12 SECTION 6. This act shall become effective November 1, 2013.

13

14 54-1-6666 GRS 01/16/13

15

16

17

18

19

20

21

22

23

24