

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2805

By: Moore

7 COMMITTEE SUBSTITUTE

8 An Act relating to firearms; enacting the Oklahoma
9 Firearms Sales and Manufacturing Initiative; defining
terms; making certain firearms, firearm accessories
10 or ammunition exempt from federal law or federal
regulation; providing exceptions; requiring certain
11 identification mark on firearms manufactured in
Oklahoma; making certain acts unlawful; providing
12 penalties; providing exceptions; providing scope of
physicians' ability to advise patients and legal
13 guardians; prohibiting disclosure of certain
information; prohibiting documentation or recording
14 of certain information; providing for codification;
providing for noncodification; and providing an
15 effective date.

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

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

20 This act shall be known and may be cited as the "Oklahoma
21 Firearms Sales and Manufacturing Initiative".

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

1 A. For purposes of this section:

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

4 2. "Firearm accessory" means items that are used in conjunction
5 with or mounted upon a firearm but are not essential to the basic
6 function of a firearm including, but not limited to, telescopic or
7 laser sights, magazines, flash or sound suppressors, collapsible or
8 adjustable stocks and grips, pistol grips, thumbhole stocks,
9 speedloaders, ammunition carriers and lights for target
10 illumination;

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

13 4. "Manufacture" means to assemble using multiple components to
14 create a more useful finished product.

15 B. A personal firearm, a firearm accessory or ammunition that
16 is manufactured commercially or privately and owned in Oklahoma and
17 that remains within the borders of Oklahoma is not subject to
18 federal law, treaty, federal regulation or federal executive action,
19 including any federal firearm or ammunition registration program,
20 under the authority of the United States Congress to regulate
21 interstate commerce. It is declared by the Oklahoma Legislature
22 that those items have not traveled in interstate commerce. This
23 section applies to a firearm, a firearm accessory or ammunition that
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1 is manufactured commercially or privately and owned in the State of
2 Oklahoma.

3 C. Component parts are not firearms, firearm accessories or
4 ammunition, and their importation into Oklahoma and incorporation
5 into a firearm, a firearm accessory or ammunition manufactured and
6 owned in Oklahoma does not subject the firearm, firearm accessory or
7 ammunition to federal regulation.

8 D. Firearm accessories that are imported into Oklahoma from
9 another state and that are subject to federal regulation as being in
10 interstate commerce do not subject a firearm to federal regulation
11 under interstate commerce because the firearm accessories are
12 attached to or used in conjunction with a firearm in Oklahoma.

13 E. A firearm manufactured in Oklahoma under the provisions of
14 this section shall have the words "Made in Oklahoma" clearly stamped
15 on a central metallic part of the firearm, such as the receiver or
16 frame.

17 F. Any act, law, treaty, order, rule or regulation of the
18 government of the United States which violates the Second Amendment
19 to the United States Constitution is null, void and unenforceable in
20 the State of Oklahoma.

21 G. 1. No official, agent or employee of the State of Oklahoma,
22 nor any dealer selling any firearm in the State of Oklahoma, shall
23 enforce or attempt to enforce any act, law, treaty, order, rule or
24 regulation of the government of the United States regarding any

1 personal firearm, firearm accessory or ammunition that is
2 manufactured commercially or privately and owned in the State of
3 Oklahoma and that remains within the borders of Oklahoma.

4 2. It is unlawful for any official, agent or employee of the
5 government of the United States, or employee of a corporation
6 providing services to the government of the United States to enforce
7 or attempt to enforce any act, law, treaty, order, rule or
8 regulation of the government of the United States regarding a
9 firearm, a firearm accessory, or ammunition that is manufactured
10 commercially or privately and owned in the State of Oklahoma and
11 that remains within the borders of Oklahoma. Any person violating
12 the provisions of this subsection shall, upon conviction, be guilty
13 of a felony punishable by imprisonment in the custody of the
14 Department of Corrections for a term of not less than one (1) year,
15 or by a fine of Five Thousand Dollars (\$5,000.00), or by both such
16 fine and imprisonment.

17 H. The provisions of this section shall not apply to:

18 1. A firearm that cannot be carried and used by one person;

19 2. Ammunition with a projectile that explodes using an
20 explosion of chemical energy after the projectile leaves the
21 firearm; or

22 3. Other than shotguns, a firearm that discharges two or more
23 projectiles with one activation of the trigger or other firing
24 device.

1 I. Physicians shall retain the ability to advise patients and
2 legal guardians of patients in conjunction with obtaining the
3 personal information and medical history of the patient as to
4 general firearms safety and security without incurring any
5 liability. No such information about the patient's or legal
6 guardian's possession of firearms shall be required or documented at
7 any time. No observations of gun ownership or inadvertent
8 disclosure of firearms possession or ownership shall be documented,
9 recorded or sent to any government entity, subdivision, agency,
10 agent, corporation or third party contracted by the government.

11 SECTION 3. This act shall become effective November 1, 2014.

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