

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 HOUSE BILL 2021

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

8 and

9 Dahm of the Senate

11 AS INTRODUCED

12 An Act relating to firearms; creating the Firearms
13 Freedom Act; providing short title; providing
14 definitions; making certain firearms, firearm
15 accessories, or ammunition exempt from federal law or
16 federal regulation; providing exceptions; requiring
17 certain identification mark on firearms manufactured
18 or sold in Oklahoma; establishing conditions for the
19 possession and purchase of specified firearms;
20 providing legislative findings and declarations of
21 authority; providing applicability of act; providing
22 for codification; providing for noncodification; and
23 providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 1. Not have been convicted of any felony in any state,
20 territory or other jurisdiction of the United States;

21 2. Not currently be adjudicated as legally incompetent; and

22 3. Not have been committed to a mental health institution.

23 D. To purchase a firearm covered by this section a person
24 shall:

1 1. Be at least:

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

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

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

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

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

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

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

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

1 2. The Ninth Amendment to the United States Constitution
2 guarantees to the people rights not granted in the United States
3 Constitution and reserves to the people of Oklahoma certain rights
4 as they were understood at the time that Oklahoma was admitted to
5 statehood in 1907. The guaranty of those rights is a matter of
6 contract between the state and people of Oklahoma and the United
7 States as of the time that the compact with the United States was
8 agreed upon and adopted by Oklahoma and the United States in 1907;

9 3. The regulation of intrastate commerce is vested in the
10 states under the Ninth and Tenth Amendments to the United States
11 Constitution, particularly if not expressly preempted by federal
12 law. The United States Congress has not expressly preempted state
13 regulation of intrastate commerce pertaining to the manufacture on
14 an intrastate basis of firearms, firearms accessories, and
15 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 in 1907, and the guaranty of the right is a matter of contract
20 between the state and people of Oklahoma and the United States as of
21 the time that the compact with the United States was agreed upon and
22 adopted by Oklahoma and the United States in 1907; and

23 5. Section 26 of Article II of the Oklahoma Constitution
24 clearly secures to Oklahoma citizens and prohibits interference with

1 the right of individual Oklahoma citizens to keep and bear arms.
2 This constitutional protection is unchanged from the 1907 Oklahoma
3 Constitution, which was approved by the United States Congress and
4 the people of Oklahoma, and the right exists as it was understood at
5 the time that the compact with the United States was agreed upon and
6 adopted by Oklahoma and the United States in 1907.

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

10 The provisions of this act applies to firearms, firearms
11 accessories, and ammunition that are manufactured, as defined in
12 Section 2 of this act, and retained in Oklahoma after November 1,
13 2013.

14 SECTION 6. This act shall become effective November 1, 2013.
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16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/20/2013 -
17 DO PASS, As Coauthored.
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