

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2805

By: Moore and Turner of the
House

and

Sharp of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to firearms; enacting the Oklahoma
13 Firearms Sales and Manufacturing Initiative; defining
14 terms; making certain firearms, firearm accessories
15 or ammunition exempt from federal law or federal
16 regulation; providing exceptions; requiring certain
17 identification mark on firearms manufactured in
18 Oklahoma; making certain acts unlawful; providing
19 penalties; providing exceptions; providing scope of
20 physicians' ability to advise patients and legal
21 guardians; prohibiting disclosure of certain
22 information; prohibiting documentation or recording
23 of certain information; providing for codification;
24 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:

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

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 A. For purposes of this section:

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

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

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

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

20 B. A personal firearm, a firearm accessory or ammunition that
21 is manufactured commercially or privately and owned in Oklahoma and
22 that remains within the borders of Oklahoma is not subject to
23 federal law, treaty, federal regulation or federal executive action,
24 including any federal firearm or ammunition registration program,

1 under the authority of the United States Congress to regulate
2 interstate commerce. It is declared by the Oklahoma Legislature
3 that those items have not traveled in interstate commerce. This
4 section applies to a firearm, a firearm accessory or ammunition that
5 is manufactured commercially or privately and owned in the State of
6 Oklahoma.

7 C. Component parts are not firearms, firearm accessories or
8 ammunition, and their importation into Oklahoma and incorporation
9 into a firearm, a firearm accessory or ammunition manufactured and
10 owned in Oklahoma does not subject the firearm, firearm accessory or
11 ammunition to federal regulation.

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

17 E. A firearm manufactured in Oklahoma under the provisions of
18 this section shall have the words "Made in Oklahoma" clearly stamped
19 on a central metallic part of the firearm, such as the receiver or
20 frame.

21 F. Any act, law, treaty, order, rule or regulation of the
22 government of the United States which violates the Second Amendment
23 to the United States Constitution is null, void and unenforceable in
24 the State of Oklahoma.

1 G. 1. No official, agent or employee of the State of Oklahoma,
2 nor any dealer selling any firearm in the State of Oklahoma, shall
3 enforce or attempt to enforce any act, law, treaty, order, rule or
4 regulation of the government of the United States regarding any
5 personal firearm, firearm accessory or ammunition that is
6 manufactured commercially or privately and owned in the State of
7 Oklahoma and that remains within the borders of Oklahoma.

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

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

22 1. A firearm that cannot be carried and used by one person;
23
24

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

4 3. Other than shotguns, a firearm that discharges two or more
5 projectiles with one activation of the trigger or other firing
6 device.

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

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

18
19 COMMITTEE REPORT BY: COMMITTEE ON STATES' RIGHTS, dated 02/19/2014 -
20 DO PASS, As Amended and Coauthored.