

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 2805

By: Moore

AS INTRODUCED

An Act relating to firearms; defining terms; making certain firearms, firearm accessories or ammunition exempt from federal law or federal regulation; providing exceptions; requiring certain identification mark on firearms manufactured in Oklahoma; making certain acts unlawful; providing penalties; providing exceptions; providing legislative findings and declarations of authority; 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 "Oklahoma Firearms Sales and Manufacturing Initiative".

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

A. For purposes of this section:

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

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

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

10 4. "Manufacture" means to assemble using multiple components to
11 create a more useful, finished product.

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

23 C. Component parts are not firearms, firearm accessories or
24 ammunition, and their importation into Oklahoma and incorporation

1 into a firearm, a firearm accessory or ammunition manufactured and
2 owned in Oklahoma does not subject the firearm, firearm accessory or
3 ammunition to federal regulation. It is declared by the Oklahoma
4 Legislature that such component parts are not firearms, firearm
5 accessories or ammunition and are not subject to congressional
6 authority to regulate firearms, firearm accessories and ammunition
7 under interstate commerce as if they were actually firearms, firearm
8 accessories or ammunition.

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

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

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

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

1 regulation of the government of the United States regarding any
2 personal firearm, firearm accessory or ammunition that is
3 manufactured commercially or privately and owned in the State of
4 Oklahoma and that remains within the borders of Oklahoma.

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

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

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

20 2. Ammunition with a projectile that explodes using an
21 explosion of chemical energy after the projectile leaves the
22 firearm; or
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1 3. Other than shotguns, a firearm that discharges two or more
2 projectiles with one activation of the trigger or other firing
3 device.

4 I. No physician, other than a psychiatrist, shall inquire of
5 any patient in conjunction with obtaining the personal information
6 and medical history of the patient, whether the patient has any
7 firearms in the home of the patient or on the property of the
8 patient and shall not require such information before providing
9 treatment.

10 J. The Legislature declares that the authority for this section
11 is the following:

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

21 2. The Ninth Amendment to the United States Constitution
22 guarantees to the people rights not granted in the United States
23 Constitution and reserves to the people of Oklahoma certain rights
24 as they were understood at the time that Oklahoma was admitted to

1 statehood in 1907. The guaranty of those rights is a matter of
2 contract between the state and people of Oklahoma and the United
3 States as of the time that the compact with the United States was
4 agreed upon and adopted by Oklahoma and the United States in 1907;

5 3. The Second Amendment to the United States Constitution
6 reserves to the people individually, the right to keep and bear arms
7 as that right was understood at the time that Oklahoma was admitted
8 to statehood in 1907, and the guaranty of the right is a matter of
9 contract between the state and people of Oklahoma and the United
10 States as of the time that the compact with the United States was
11 agreed upon and adopted by Oklahoma and the United States in 1907;
12 and

13 4. Section 26 of Article II of the Oklahoma Constitution
14 clearly secures to Oklahoma citizens, and prohibits government
15 interference with, the right of individual Oklahoma citizens to keep
16 and bear arms. This constitutional protection is unchanged from the
17 Oklahoma Constitution, which was approved by the United States
18 Congress and the people of Oklahoma, and the right exists as it was
19 understood at the time that the compact with the United States was
20 agreed upon and adopted by Oklahoma and the United States in 1907.

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