

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 3051

By: Kern

AS INTRODUCED

An Act relating to firearms; creating the 2nd Amendment Preservation Act; providing short title; making certain findings; prohibiting state agencies, political subdivisions and employees from enforcing or attempting to enforce certain federal laws, rules or regulations; prohibiting the utilization of state assets or funds for certain purposes; providing penalties; providing limitations on state grant funds; providing for codification; 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 to be codified in the Oklahoma Statutes as Section 1289.31 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "2nd Amendment Preservation Act".

B. The Legislature of the State of Oklahoma finds:

1. That the right to keep and bear arms is a fundamental individual right that shall not be infringed;

2. That it is the intent of the Legislature in enacting this act to protect Oklahoma employees, including law enforcement

1 officers, from being directed through federal executive orders,
2 agency orders, statutes, laws, rules or regulations enacted or
3 promulgated on or after the effective date of this act, to violate
4 their oath of office and individual rights affirmed under the 2nd
5 Amendment to the Constitution for the United States and Section 26
6 of Article 2 of the Constitution of the State of Oklahoma;

7 3. That pursuant to and in furtherance of the principles of
8 federalism enshrined in the Constitution of the United States, the
9 federal government may not commandeer the officers, agents or
10 employees of this state to participate in the enforcement or
11 facilitation of any federal program not expressly required by the
12 Constitution of the United States;

13 4. That this right to be free from the commandeering hand of
14 the federal government has been most notably recognized by the
15 United States Supreme Court in *Printz v. United States*, 521 U.S.
16 898, when the Supreme Court held that "The Federal Government may
17 neither issue directives requiring the States to address particular
18 problems, nor command the States' officers, or those of their
19 political subdivisions, to administer or enforce a federal
20 regulatory program"; and

21 5. That the anti-commandeering principles recognized by the
22 United States Supreme Court in *Printz v. United States*, 521 U.S.
23 898, are predicated upon the advice of James Madison, who in
24 Federalist No. 46 advised "a refusal to cooperate with officers of

1 the Union" in response to either unconstitutional federal measures
2 or constitutional but unpopular federal measures.

3 C. Other than compliance with an order of the court,
4 notwithstanding any law, regulation, rule or order to the contrary,
5 no agency of this state, political subdivision of this state, or
6 employee of an agency or political subdivision of this state acting
7 in his or her official capacity shall:

8 1. Knowingly and willingly participate in any way in the
9 enforcement of any federal act, law, order, rule or regulation
10 issued, enacted or promulgated on or after the effective date of
11 this act regarding a personal firearm, firearm accessory or
12 ammunition; or

13 2. Utilize any assets, state funds or funds allocated by the
14 state to local entities on or after the effective date of this act,
15 in whole or in part, to engage in any activity that aids a federal
16 agency, federal agent, or corporation providing services to the
17 federal government in the enforcement or any investigation pursuant
18 to the enforcement of any federal act, law, order, rule or
19 regulation issued, enacted or promulgated on or after the effective
20 date of this act regarding a personal firearm, firearm accessory or
21 ammunition.

22 D. Any agent or employee of this state or of any political
23 subdivision of this state who knowingly violates the prohibitions in
24 subsection C of this act shall, upon conviction, be guilty of a

1 misdemeanor punishable by a fine in an amount not to exceed One
2 Thousand Dollars (\$1,000.00). Any person convicted of a second or
3 subsequent violation shall be guilty of a misdemeanor punishable by
4 a fine in an amount not to exceed Five Thousand Dollars (\$5,000.00).

5 E. A political subdivision of this state may not receive state
6 grant funds if the political subdivision adopts a rule, order,
7 ordinance or policy under which the political subdivision violates
8 subsection C of this act. State grant funds for the political
9 subdivision shall be denied for the fiscal year following the year
10 in which a final judicial determination in an action brought under
11 this section is made that the political subdivision has
12 intentionally required actions which violate the prohibitions
13 provided for in subsection C of this act.

14 SECTION 2. This act shall become effective November 1, 2016.

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16 55-2-7626 GRS 11/03/15
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