

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

I move to amend engrossed House Bill No. 1079, by substituting the attached floor substitute (Request # 3856) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Dahm

Dahm-JES-FA-HB1079  
4/25/2022 10:58 AM

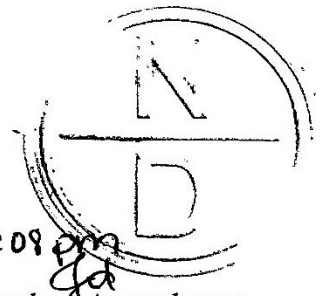
(Floor Amendments Only)

Date and Time Filed: 4-25-22 2:08 PM

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment



STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE  
FOR ENGROSSED

HOUSE BILL NO. 1079

By: Gann and Crosswhite Hader  
of the House

and

Dahm of the Senate

FLOOR SUBSTITUTE

An Act relating to firearms; creating the Ghost Gun Anti-Infringement Act; providing short title; 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 or sold in Oklahoma; establishing conditions for the possession and purchase of specified firearms; providing legislative findings and declarations of authority; providing applicability of act; providing certain penalties; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Ghost Gun Anti-Infringement Act".

1       SECTION 2.       NEW LAW       A new section of law to be codified

2 in the Oklahoma Statutes as Section 16-101 of Title 12A, unless  
3 there is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

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

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

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

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

- 17 1. Not have been convicted of any felony in any state,  
18 territory, or other jurisdiction of the United States;  
19 2. Not currently be adjudicated as legally incompetent; and  
20 3. Not have been committed to a mental health institution.

21 D. To purchase a firearm covered by this section a person  
22 shall:

- 23 1. Be at least:  
24

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

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

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

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

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

9           SECTION 4.       NEW LAW       A new section of law to be codified  
10    in the Oklahoma Statutes as Section 16-104 of Title 12A, unless  
11    there is created a duplication in numbering, reads as follows:

12           The provisions of this act apply to firearms, firearm  
13    accessories, and ammunition that are manufactured, as defined in  
14    Section 2 of this act, and retained in Oklahoma after November 1,  
15    2022.

16           SECTION 5.       NEW LAW       A new section of law to be codified  
17    in the Oklahoma Statutes as Section 16-105 of Title 12A, unless  
18    there is created a duplication in numbering, reads as follows:

19           A.     Any official, agent or employee of the United States  
20    government or any employee of a corporation providing services to  
21    the United States government who enforces or attempts to enforce an  
22    act, order, law, statute, rule, or regulation of the government of  
23    the United States in violation of this act shall be guilty of a  
24    felony and shall, upon conviction, be punished by imprisonment in

1 the custody of the Department of Corrections not to exceed five (5)  
2 years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00),  
3 or by both such fine and imprisonment.

4 B. Any public officer or employee of this state or any  
5 political subdivision of the state who enforces or attempts to  
6 enforce an act, order, law, statute, rule, or regulation of the  
7 government of the United States in violation of this act shall be  
8 guilty of a misdemeanor and shall, upon conviction, be punished by  
9 imprisonment in the county jail not to exceed two (2) years, or by a  
10 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such  
11 fine and imprisonment.

12 SECTION 6. This act shall become effective November 1, 2022.

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14 58-2-3856 JES 4/25/2022 3:52:56 PM

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