

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1124

By: Dahm

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6 AS INTRODUCED

7 An Act relating to the right to bear arms; creating
8 the Oklahoma 2nd Amendment Preservation Act;
9 providing short title; stating findings; providing
10 penalties for certain violations; providing for non-
11 codification; providing for codification; and
12 providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1290.28 of Title 21, unless
16 there is created a duplication in numbering, reads as follows:

17 This act shall be known and cited as the "Oklahoma 2nd Amendment
18 Preservation Act".

19 SECTION 2. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 The Legislature of the State of Oklahoma finds:

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

24 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 this State's officers, agents
10 or employees to participate in the enforcement or facilitation of
11 any federal program not expressly required by the Constitution of
12 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* when the
16 Court held: "The Federal Government may neither issue directives
17 requiring the States to address particular problems, nor command the
18 States' officers, or those of their political subdivisions, to
19 administer or enforce a federal regulatory program."; and

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

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

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1290.29 of Title 21, unless
5 there is created a duplication in numbering, reads as follows:

6 Notwithstanding any law, regulation, rule or order to the
7 contrary, no agency of this state, political subdivision of this
8 state or employee of an agency or political subdivision of this
9 state acting in his or her official capacity shall:

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

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

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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1290.30 of Title 21, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Any agent or employee of this state, or of any political
5 subdivision of this state who knowingly violates the prohibitions in
6 Section 3 of this act shall, on a first violation, be liable for a
7 civil penalty not to exceed Three Thousand Dollars (\$3,000.00) which
8 shall be paid into the general revenue fund of the state, and on a
9 second or subsequent violation shall be guilty of a misdemeanor.

10 B. A political subdivision of this state may not receive grant
11 funds if the political subdivision adopts a rule, order, ordinance
12 or policy under which the political subdivision violates Section 3
13 of this act. State grant funds for the political subdivision shall
14 be denied for the fiscal year following the year in which a final
15 judicial determination in an action brought under this section is
16 made that the political subdivision has intentionally required
17 actions which violate the prohibitions in Section 3 of this act.

18 SECTION 5. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1290.31 of Title 21, unless
20 there is created a duplication in numbering, reads as follows:

21 The provisions of this act are hereby declared to be severable
22 and if any provision of this act or the application of such
23 provision to any person or circumstance is declared invalid for any
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1 reason, such declaration shall not affect the validity of the
2 remaining portions of this act.

3 SECTION 6. This act shall become effective November 1, 2016.

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