

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1214

By: Dahm

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6 AS INTRODUCED

7 An Act relating to firearms; creating the Firearms  
8 Freedom Act; providing short title; providing  
9 definitions; making certain firearms, firearm  
10 accessories or ammunition exempt from federal law or  
11 federal regulation; providing exceptions; requiring  
12 certain identification mark on firearms manufactured  
13 or sold in Oklahoma; establishing conditions for the  
14 possession and purchase of specified firearms;  
15 providing legislative findings and declarations of  
16 authority; providing applicability of act; providing  
17 certain penalties; providing for noncodification;  
18 providing for codification; and providing an  
19 effective date.

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

23 SECTION 1. NEW LAW A new section of law not to be  
24 codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Firearms  
Freedom Act".

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

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

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

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

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

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

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

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

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

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

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

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

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

18 D. To purchase a firearm covered by this section a person  
19 shall:

- 20 1. Be at least:  
21 a. twenty-one (21) years of age if the firearm is a  
22 handgun, or  
23 b. eighteen (18) years of age if the firearm is a shotgun  
24 or rifle;

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

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

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

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

8           The provisions of this act apply to firearms, firearms  
9 accessories, and ammunition that are manufactured, as defined in  
10 Section 2 of this act, and retained in Oklahoma after November 1,  
11 2018.

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

15           A. Any official, agent or employee of the United States  
16 government or any employee of a corporation providing services to  
17 the United States government who enforces or attempts to enforce an  
18 act, order, law, statute, rule or regulation of the government of  
19 the United States in violation of this act shall be guilty of a  
20 felony and shall, upon conviction, be punished by imprisonment in  
21 the custody of the Department of Corrections not to exceed five (5)  
22 years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00),  
23 or by both such fine and imprisonment.

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

9 SECTION 6. This act shall become effective November 1, 2018.

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