

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1346

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:

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

27 SECTION 2. NEW LAW A new section of law to be codified
28 in the Oklahoma Statutes as Section 16-101 of Title 12A, unless
29 there is created a duplication in numbering, reads as follows:
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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 8 of Article XVII 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 weapon designed to fire a rocket-propelled grenade or
8 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,
14 and 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,
9 or ammunition that is manufactured in Oklahoma from basic materials
10 and that can be manufactured without the inclusion of any
11 significant parts imported from another state or foreign country.
12 Generic and insignificant parts that have other manufacturing or
13 consumer product applications are not firearms, firearms
14 accessories, or ammunition, and their importation into Oklahoma and
15 incorporation into a firearm, a firearm accessory, or ammunition
16 manufactured in Oklahoma does not subject the firearm, firearm
17 accessory, or ammunition to federal regulation. It is declared by
18 the Oklahoma Legislature that basic materials including, but not
19 limited to, polymers, unmachined metal, ferrous or nonferrous, bar
20 stock, ingots or forgings, and unshaped wood are not firearms,
21 firearms accessories or ammunition and are not subject to
22 congressional authority to regulate firearms, firearms accessories,
23 and ammunition under interstate commerce as if they were actually
24 firearms, firearms accessories, or ammunition. The authority of the

1 United States Congress to regulate interstate commerce in basic
2 materials does not include authority to regulate firearms, firearms
3 accessories, and ammunition made within Oklahoma borders from those
4 materials. Firearms accessories that are imported into Oklahoma
5 from another state and that are subject to federal regulation as
6 being in interstate commerce do not subject a firearm to federal
7 regulation under interstate commerce because the firearm accessory
8 is attached 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
12 metallic 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 2022.

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, 2022.

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