

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2982

By: Hardin (David) of the House

and

Pemberton of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to firearm suppressors; creating the
11 Sportsman Hearing Protection Act; defining terms;
12 providing requirements for manufacturing firearm
13 suppressors in Oklahoma; providing certain exemption
14 from federal laws and federal regulations; declaring
15 firearm suppressors manufactured in Oklahoma exempt
16 from federal regulation; requiring certain stamp on
17 firearm suppressors manufactured and sold in
18 Oklahoma; directing Attorney General to seek
19 declaratory judgments under certain circumstances;
20 stating applicability of statute; prohibiting certain
21 entities from adopting or imposing rules, ordinances,
22 policies or restrictions regulating firearm
23 suppressors that contravene state law; prohibiting
24 certain entities and employees from enforcing or
 attempting to enforce certain federal statutes,
 orders, rules or regulations; prohibiting certain
 entities from receiving state grant funds under
 certain circumstances; authorizing citizens to file
 certain complaints with the Attorney General; stating
 procedures for filing complaint; authorizing the
 Attorney General to seek certain relief if complaint
 is determined to be valid; providing for the recovery
 of reasonable expenses and attorney fees; providing
 for appellate relief; providing for noncodification;
 providing for codification; and declaring an
 emergency.

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

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

4 This act shall be known and may be cited as the "Sportsman
5 Hearing Protection Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1289.31 of Title 21, unless
8 there is created a duplication in numbering, reads as follows:

9 A. As used in this act:

10 1. "Firearm" means a rifle, pistol, or shotgun;

11 2. "Firearm suppressor" means any device designed, made, or
12 adapted to muffle the report of a firearm;

13 3. "Generic and insignificant part" means an item that has
14 manufacturing or consumer product applications other than inclusion
15 in a firearm suppressor. The term includes a spring, screw, nut,
16 and pin; and

17 4. "Manufacture" includes forging, casting, machining, or
18 another process for working a material.

19 B. For the purposes of this act, a firearm suppressor is
20 manufactured in this state if the item is manufactured:

21 1. In this state from basic materials; and

22 2. Without the inclusion of any part imported from another
23 state other than a generic and insignificant part.

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1 C. For the purposes of this act, a firearm suppressor is
2 manufactured in this state if it is manufactured as described by
3 subsection B of this section without regard to whether a firearm
4 imported into this state from another state is attached to or used
5 in conjunction with the suppressor.

6 D. A firearm suppressor that is manufactured in this state and
7 remains in this state is not subject to federal law or federal
8 regulation, including registration, under the authority of the
9 United States Congress to regulate interstate commerce.

10 E. A basic material from which a firearm suppressor is
11 manufactured in this state, including unmachined steel, is not a
12 firearm suppressor and is not subject to federal regulation under
13 the authority of the United States Congress to regulate interstate
14 commerce as if it actually were a firearm suppressor.

15 F. A firearm suppressor manufactured and sold in this state
16 must have the words "Made in Oklahoma" clearly stamped on the
17 firearm suppressor.

18 G. On written notification to the Office of the Attorney
19 General of this state by a United States citizen who resides in this
20 state of the intent of the citizen to manufacture a firearm
21 suppressor to which subsection D of this section applies, the
22 Attorney General shall seek a declaratory judgment from a federal
23 district court in this state that subsection D of this section is
24 consistent with the United States Constitution.

1 H. The provisions of this section apply to:

2 1. The State of Oklahoma, including an agency, department,
3 commission, bureau, board, office, council, court, or other entity
4 that is in any branch of state government and that is created by the
5 Oklahoma Constitution or a statute of this state, including a
6 university system or a system of higher education;

7 2. The governing body of a municipality, county, district, or
8 authority; and

9 3. An officer, employee, or other body that is part of a
10 municipality, county, special district or authority, including a
11 sheriff, municipal police department, municipal attorney or district
12 attorney.

13 I. An entity described by subsection H of this section may not
14 adopt a rule, order, ordinance, or policy under which the entity
15 enforces, or by consistent action, allows the enforcement of, a
16 federal statute, order, rule, or regulation that purports to
17 regulate a firearm suppressor if the statute, order, rule, or
18 regulation imposes a prohibition, restriction, or other regulation
19 that does not exist under the laws of this state.

20 J. No entity described by subsection H of this section and no
21 person employed by or otherwise under the direction or control of
22 the entity may enforce or attempt to enforce any federal statute,
23 order, rule, or regulation described by subsection I of this
24 section.

1 K. An entity described by subsection H of this section may not
2 receive state grant funds if the entity adopts a rule, order,
3 ordinance, or policy under which the entity enforces a federal law
4 described by subsection I of this section or, by consistent action,
5 allows the enforcement of a federal law described by subsection I of
6 this section.

7 L. State grant funds for the entity shall be denied for the
8 fiscal year following the year in which a final judicial
9 determination in an action brought under the provisions of this act
10 is made that the entity has violated subsection I of this section.

11 M. Any citizen residing in the jurisdiction of an entity
12 described by subsection H of this section may file a complaint with
13 the Office of the Attorney General if the citizen offers evidence to
14 support an allegation that the entity has adopted a rule, order,
15 ordinance, or policy under which the entity enforces a federal law
16 described by subsection I of this section or that the entity, by
17 consistent action, allows the enforcement of a federal law described
18 by subsection I of this section. The citizen shall include with the
19 complaint any evidence the citizen has in support of the complaint.

20 N. If the Attorney General determines that a complaint filed
21 under subsection M of this section against an entity described by
22 subsection H of this section is valid to compel the entity's
23 compliance with the provisions of this act, the Attorney General may
24 file a petition for a writ of mandamus or apply for other

1 appropriate equitable relief in the District Court of Oklahoma
2 County or in a county in which the principal office of the entity is
3 located. The Attorney General may recover reasonable expenses
4 incurred obtaining relief under this subsection, including court
5 costs, reasonable attorney fees, investigative costs, witness fees,
6 and deposition costs.

7 O. An appeal of a suit brought under subsection N of this
8 section shall be governed by the procedures for appeals in civil
9 cases under the Oklahoma Rules of Appellate Procedure. The
10 appellate court shall render its final order or judgment with the
11 least possible delay.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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17 COMMITTEE REPORT BY: COMMITTEE ON STATE POWERS, dated 02/10/2022 -
18 DO PASS, As Amended and Coauthored.

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