

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2063

6 By: Hardin

7 COMMITTEE SUBSTITUTE

8 An Act relating to firearms; amending 21 O.S. 2021,
9 Section 1289.24e, which relates to the Second
10 Amendment Sanctuary State Act; prohibiting the
11 enforcement of a federal ban or regulation on
12 firearms, firearm accessories, or ammunition;
13 providing construing provision; prohibiting the state
14 and political subdivisions from reducing or
15 eliminating funds or budgets of county sheriff's
16 offices or municipal police departments under certain
17 circumstances; prohibiting the termination or
18 retaliation against peace officers for refusing to
19 obey or enforce certain orders; adding definitions;
20 and declaring an emergency.

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

22 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1289.24e, is
23 amended to read as follows:

24 Section 1289.24e A. The State Legislature hereby occupies and
preempts the entire field of legislation by any agency of this state
or any political subdivision in this state to infringe upon the
rights of a citizen of the State of Oklahoma, the unalienable right

1 to keep and bear arms as guaranteed to them by the Second Amendment
2 of the United States Constitution.

3 B. Any federal, state, county or municipal act, law, executive
4 order, administrative order, court order, rule, policy or regulation
5 ordering the buy-back, confiscation or surrender of firearms,
6 firearm accessories or ammunition from law-abiding citizens of this
7 state shall be considered an infringement on the rights of citizens
8 to keep and bear arms as guaranteed by the Second Amendment of the
9 Constitution of the United States and Article II, Section 26 of the
10 Constitution of Oklahoma.

11 C. 1. A peace officer, state employee, or employee of a
12 political subdivision is prohibited from enforcing, assisting in the
13 enforcement of, or otherwise cooperating in the enforcement of a
14 federal ban on firearms, firearm accessories, or ammunition and is
15 also prohibited from participating in any federal enforcement action
16 implementing a federal ban on firearms, firearm accessories, or
17 ammunition.

18 2. An employee of the state or a political subdivision may not
19 expend public funds or allocate public resources for the enforcement
20 of a federal ban on firearms, firearm accessories, or ammunition.

21 3. Nothing in this subsection may be construed to prohibit or
22 otherwise limit a peace officer, state employee, or employee of a
23 political subdivision from cooperating, communicating, or
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1 collaborating with a federal, state, county, or municipal agency if
2 the primary purpose is not:

3 a. law enforcement activity related to a federal, state,
4 county, or municipal ban on firearms, firearm
5 accessories, or ammunition, or

6 b. the investigation of a violation of a federal, state,
7 county, or municipal ban on firearms, firearm
8 accessories, or ammunition.

9 4. The State of Oklahoma and any political subdivision of this
10 state shall not reduce or eliminate any funding or budget from a
11 county sheriff's office or municipal police department for:

12 a. refusing to obey or enforce any order which violates
13 the Second Amendment of the Constitution of the United
14 States, Section 26 of Article II of the Constitution
15 of Oklahoma or the peace officer oath of a peace
16 officer, or

17 b. declaring any political subdivision of this state as a
18 Second Amendment sanctuary.

19 5. The State of Oklahoma and any political subdivision of this
20 state shall be prohibited from terminating or retaliating against
21 any peace officer who refuses to obey or enforce any order which
22 violates the Second Amendment of the Constitution of the United
23 States, Section 26 of Article II of the Constitution of Oklahoma or
24 the peace officer oath of the peace officer.

1 D. It shall be the duty of the courts and law enforcement
2 agencies of this state to protect the rights of law-abiding citizens
3 to keep and to bear arms within the borders of this state and to
4 protect these rights from the infringement provided under the
5 provisions of this act.

6 ~~D.~~ E. The preemption provided in this act shall include:

7 1. Any regulation of arms and ammunition, pursuant to the
8 National Firearms Act of 1934, prohibited or regulated on or after
9 the effective date of this act; and

10 2. Any regulations or provision of the Gun Control Act of 1968,
11 prohibited or regulated on or after the effective date of this act.

12 ~~E.~~ F. For purposes of this section:

13 1. "Arms" ~~is defined as~~ means any firearm, firearm part,
14 accessory or ammunition required to render that firearm operable and
15 effective;

16 2. "Federal ban" means a federal law, executive order, rule or
17 regulation that is enacted, adopted, or becomes effective on or
18 after November 1, 2023, or a new and more restrictive interpretation
19 of a law that existed on November 1, 2023, that infringes upon,
20 calls in question or prohibits, restricts, or requires individual
21 licensure for or registration of the purchase, ownership,
22 possession, transfer, or use of any firearm, any magazine or other
23 ammunition feeding device, or other firearm accessory;

1 3. "Infringement" ~~shall mean~~ means any law that reduces,
2 represses, diminishes or subverts the right to keep and bear arms,
3 ammunition, parts and accessories in any amount that is legal as of
4 the effective date of this act of any citizen in this state; ~~and~~

5 ~~3.~~ 4. "Law-abiding citizen" means a person who is not otherwise
6 precluded under state law from possessing a firearm and shall not be
7 construed to include anyone who is not legally present in the United
8 States or this state;

9 5. "Peace officer" has the same meaning as provided for in
10 Section 99 of this title, except that subsection C of this section
11 shall not apply to federal employees; and

12 6. "Political subdivision" means a city, town, county, or any
13 other political subdivision of this state.

14 SECTION 2. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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19 59-1-7666 LRB 02/22/23

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