

1 STATE OF OKLAHOMA

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

3 SENATE BILL 736

By: Woods

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5
6 AS INTRODUCED

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

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

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

23 Section 1289.24e. A. The State Legislature hereby occupies and
24 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
to keep and bear arms as guaranteed to them by the Second Amendment
of the United States Constitution.

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

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

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

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

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

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

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

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

15 b. declaring any political subdivision of this state as a
16 Second Amendment sanctuary.

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

23 D. It shall be the duty of the courts and law enforcement
24 agencies of this state to protect the rights of law-abiding citizens

1 to keep and to bear arms within the borders of this state and to
2 protect these rights from the infringement provided under the
3 provisions of this act.

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

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

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

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

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

14 2. "Federal ban" means a federal law, executive order, rule, or
15 regulation that is enacted, adopted, or becomes effective on or
16 after November 1, 2022, or a new and more restrictive interpretation
17 of a law that existed on November 1, 2022, that infringes upon,
18 calls into question, prohibits, restricts, or requires individual
19 licensure for or registration of the purchase, ownership,
20 possession, transfer, or use of any firearm, any magazine or other
21 ammunition feeding device, or other firearm accessory;

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

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

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

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

12 SECTION 2. 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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