

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 631

6 By: Hamilton

7 COMMITTEE SUBSTITUTE

8 An Act relating to state preemption of federal
9 infringement of Second Amendment rights; creating the
10 Second Amendment Sanctuary State Act; preempting
11 field of legislation; considering certain action as
12 infringing on the right to keep and bear arms;
13 directing courts and law enforcement agencies to
14 protect certain rights of law-abiding citizens;
15 prohibiting certain entities from accepting certain
16 grants or funding; clarifying provisions; providing
17 definition; providing for codification; and declaring
18 an emergency.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1289.24d of Title 21, unless
22 there is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Second
24 Amendment Sanctuary State Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1289.24e of Title 21, unless
there is created a duplication in numbering, reads as follows:

1 A. The State Legislature hereby occupies and preempts the
2 entire field of legislation by the federal government, any agency of
3 this state or any political subdivision in this state to infringe
4 upon the rights of a citizen of the State of Oklahoma, the
5 unalienable right to keep and bear arms as guaranteed to them by the
6 Second Amendment of the United States Constitution.

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

15 D. It shall be the duty of the courts and law enforcement
16 agencies of this state to protect the rights of law-abiding citizens
17 to keep and to bear arms within the borders of this state and to
18 protect these rights from the infringement provided under the
19 provisions of this act.

20 E. The preemption provided in this act shall include:

21 1. Any regulation of arms and ammunition, pursuant to the
22 National Firearms Act of 1934, prohibited or regulated on or after
23 the effective date of this act; and
24

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

3 F. For purposes of this section:

4 1. "Arms" is defined as any firearm, firearm part, accessory,
5 or ammunition required to render that firearm operable and
6 effective;

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

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

15 G. This act is made pursuant to the provisions of the
16 Constitution of the United States and is therefore valid and of full
17 effect under the supremacy clause.

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

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