

1 **SENATE FLOOR VERSION**

2 February 25, 2020

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1081

6 By: Dahm and Bullard

7 An Act relating to state preemption of extreme risk
8 protection orders; creating the Anti-Red Flag Act;
9 preempting field of legislation relating to extreme
10 risk protection orders; providing definition;
11 providing for codification; and declaring an
12 emergency.

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

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

17 This act shall be known and may be cited as the "Anti-Red Flag
18 Act".

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

22 A. The State Legislature hereby occupies and preempts the
23 entire field of legislation in this state touching in any way
24 extreme risk protection orders against or upon a citizen of this
state to the complete exclusion of any order, ordinance or

1 regulation by any municipality or other political subdivision of
2 this state.

3 B. Any agency of this state or any political subdivision in
4 this state shall be prohibited from accepting any grants or funding
5 to implement any statute, rule or executive order, judicial order or
6 judicial findings that would have the effect of forcing an extreme
7 risk protection order against or upon a citizen of this state.

8 C. For purposes of this section, "extreme risk protection
9 order" means an executive order, written order or warrant issued by
10 a court or signed by a magistrate or comparable officer of the
11 court, for which the primary purpose is to reduce the risk of
12 firearm-related death or injury by doing one or more of the
13 following:

14 1. Prohibiting a named individual from having under the custody
15 or control of the individual, owning, possessing or receiving a
16 firearm; or

17 2. Having a firearm removed or requiring the surrender of
18 firearms from a named individual.

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

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 February 25, 2020 - DO PASS AS AMENDED