

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1081

By: Dahm

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6 AS INTRODUCED

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; nullifying any federal rule,
11 statute or executive order relating to extreme risk
12 protection orders; creating a felony for conviction
13 of an individual attempting to enforce certain
14 orders; providing definition; providing for
15 codification; and declaring an emergency.

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

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

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

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

25 A. The State Legislature hereby occupies and preempts the
entire field of legislation in this state touching in any way

1 federal or state extreme risk protection orders against or upon a
2 citizen of Oklahoma to the complete exclusion of any order,
3 ordinance or regulation by any municipality or other political
4 subdivision of this state.

5 B. Any federal statute, rule or executive order, federal or
6 state judicial order or judicial findings that would have the effect
7 of forcing an extreme risk protection order or ex parte extreme risk
8 protection order against or upon a citizen of Oklahoma, which would
9 infringe upon a citizen's Constitutionally-protected rights
10 including, but not limited to the right to due process, the right to
11 keep and bear arms and the right to free speech, shall be null,
12 void, unenforceable and of no effect in the state of Oklahoma.

13 C. Any Oklahoma agency or any political subdivision in the
14 state of Oklahoma shall be prohibited from accepting any federal
15 grants to implement any federal statute, rule or executive order,
16 federal or state judicial order or judicial findings that would have
17 the effect of forcing an extreme risk protection order against or
18 upon a citizen of Oklahoma.

19 D. An individual, including a law enforcement officer, who
20 attempts to enforce a federally-implemented extreme risk protection
21 order upon a citizen of Oklahoma, shall be, upon conviction, guilty
22 of a felony.

23 E. For purposes of this section, "extreme risk protection
24 order" means an executive order, written order or warrant issued by

1 a federal court or signed by a magistrate or comparable officer of
2 the court, for which the primary purpose is to reduce the risk of
3 firearm-related death or injury by doing one or more of the
4 following:

5 1. Prohibiting a named individual from having under the custody
6 or control of the individual, owning, possessing or receiving a
7 firearm; or

8 2. Having a firearm removed or requiring the surrender of
9 firearms from a named individual.

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

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