

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2055

By: Hardin

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5  
6 AS INTRODUCED

7 An Act relating to firearm suppressors; creating the  
8 Sportsman Hearing Protection Act; defining terms;  
9 providing requirements for manufacturing firearm  
10 suppressors in Oklahoma; providing certain exemption  
11 from federal laws and federal regulations; declaring  
12 firearm suppressors manufactured in Oklahoma exempt  
13 from federal regulation; requiring certain stamp on  
14 firearm suppressors manufactured and sold in  
15 Oklahoma; directing Attorney General to seek  
16 declaratory judgments under certain circumstances;  
17 stating applicability of statute; prohibiting certain  
18 entities from adopting or imposing rules, ordinances,  
19 policies or restrictions regulating firearm  
20 suppressors that contravene state law; prohibiting  
21 certain entities and employees from enforcing or  
22 attempting to enforce certain federal statutes,  
23 orders, rules or regulations; prohibiting certain  
24 entities from receiving state grant funds under  
certain circumstances; authorizing citizens to file  
complaints with the Attorney General; stating  
procedures for filing complaint; authorizing Attorney  
General to seek certain relief if complaint is  
determined to be valid; providing for the recovery of  
reasonable expenses and attorney fees; providing for  
appellate relief; providing for noncodification;  
providing for codification; and declaring an  
emergency.

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

1 SECTION 1. NEW LAW A new section of law not to be  
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Sportsman  
4 Hearing Protection Act".

5 SECTION 2. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1289.31 of Title 21, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. As used in this act:

9 1. "Firearm" means a rifle, pistol, or shotgun;

10 2. "Firearm suppressor" means any device designed, made, or  
11 adapted to muffle the report of a firearm;

12 3. "Generic and insignificant part" means an item that has  
13 manufacturing or consumer product applications other than inclusion  
14 in a firearm suppressor. The term includes a spring, screw, nut,  
15 and pin; and

16 4. "Manufacture" includes forging, casting, machining, or any  
17 other process for working a material.

18 B. For the purposes of this act, a firearm suppressor is  
19 manufactured in this state if the item is manufactured:

20 1. In this state from basic materials; and

21 2. Without the inclusion of any part imported from another  
22 state other than a generic and insignificant part.

23 C. For the purposes of this act, a firearm suppressor is  
24 manufactured in this state if it is manufactured as described by

1 subsection B of this section without regard to whether a firearm  
2 imported into this state from another state is attached to or used  
3 in conjunction with the suppressor.

4 D. A firearm suppressor that is manufactured in this state and  
5 remains in this state is not subject to federal law or federal  
6 regulation, including registration, under the authority of the  
7 United States Congress to regulate interstate commerce.

8 E. A basic material from which a firearm suppressor is  
9 manufactured in this state, including unmachined steel, is not a  
10 firearm suppressor and is not subject to federal regulation under  
11 the authority of the United States Congress to regulate interstate  
12 commerce as if it actually were a firearm suppressor.

13 F. A firearm suppressor manufactured and sold in this state  
14 must have the words "Made in Oklahoma" clearly stamped on the  
15 firearm suppressor.

16 G. On written notification to the Office of the Attorney  
17 General of this state by a United States citizen who resides in this  
18 state of the intent of the citizen to manufacture a firearm  
19 suppressor to which subsection D of this section applies, the  
20 Attorney General shall seek a declaratory judgment from a federal  
21 district court in this state that subsection D of this section is  
22 consistent with the United States Constitution.

23 H. The provisions of this section shall apply to:  
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1           1. The State of Oklahoma, including an agency, department,  
2 commission, bureau, board, office, council, court, or other entity  
3 that is in any branch of state government and that is created by the  
4 Oklahoma Constitution or a statute of this state, including a  
5 university system or a system of higher education;

6           2. The governing body of a municipality, county, district, or  
7 authority; and

8           3. An officer, employee, or other body that is part of a  
9 municipality, county, special district or authority, including a  
10 sheriff, municipal police department, municipal attorney or district  
11 attorney.

12           I. An entity described by subsection H of this section may not  
13 adopt a rule, order, ordinance, or policy under which the entity  
14 enforces or, by consistent action, allows the enforcement of, a  
15 federal statute, order, rule, or regulation that purports to  
16 regulate a firearm suppressor if the statute, order, rule, or  
17 regulation imposes a prohibition, restriction, or other regulation  
18 that does not exist under the laws of this state.

19           J. No entity described by subsection H of this section and no  
20 person employed by or otherwise under the direction or control of  
21 the entity may enforce or attempt to enforce any federal statute,  
22 order, rule, or regulation described by subsection I of this  
23 section.

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1 K. An entity described by subsection H of this section may not  
2 receive state grant funds if the entity adopts a rule, order,  
3 ordinance, or policy under which the entity enforces a federal law  
4 described by subsection I of this section or, by consistent action,  
5 allows the enforcement of a federal law described by subsection I of  
6 this section.

7 L. State grant funds for the entity shall be denied for the  
8 fiscal year following the year in which a final judicial  
9 determination in an action brought under the provisions of this act  
10 is made that the entity has violated subsection I of this section.

11 M. Any citizen residing in the jurisdiction of an entity  
12 described by subsection H of this section may file a complaint with  
13 the Office of the Attorney General if the citizen offers evidence to  
14 support an allegation that the entity has adopted a rule, order,  
15 ordinance, or policy under which the entity enforces a federal law  
16 described by subsection I of this section or that the entity, by  
17 consistent action, allows the enforcement of a federal law described  
18 by subsection I of this section. The citizen shall include with the  
19 complaint any evidence the citizen has in support of the complaint.

20 N. If the Attorney General determines that a complaint filed  
21 under subsection M of this section against an entity described by  
22 subsection H of this section is valid, the Attorney General may file  
23 a petition for a writ of mandamus or apply for other appropriate  
24 equitable relief in the District Court of Oklahoma County or in a

1 county in which the principal office of the entity is located. The  
2 Attorney General may recover reasonable expenses incurred obtaining  
3 relief under this subsection, including court costs, reasonable  
4 attorney fees, investigative costs, witness fees, and deposition  
5 costs.

6 O. An appeal of a suit brought under subsection N of this  
7 section shall be governed by the procedures for appeals in civil  
8 cases under the Oklahoma Rules of Appellate Procedure. The  
9 appellate court shall render its final order or judgment with the  
10 least possible delay.

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

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