

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 260

By: Hamilton

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2021, Section 1289.24e, which relates to the legislative firearms preemption; expanding certain rights infringement definition; and providing an effective date.

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

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

Section 1289.24e. A. The State Legislature hereby occupies and 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.

B. Any federal, state, county or municipal act, law, executive order, administrative order, court order, rule, policy or regulation offering or ordering the buy-back, confiscation or surrender of firearms, firearm accessories or ammunition from law-abiding

1 citizens of this state shall be considered an infringement on the
2 rights of citizens to keep and bear arms as guaranteed by the Second
3 Amendment of the Constitution of the United States and Article II,
4 Section 26 of the Constitution of Oklahoma.

5 C. It shall be the duty of the courts and law enforcement
6 agencies of this state to protect the rights of law-abiding citizens
7 to keep and to bear arms within the borders of this state and to
8 protect these rights from the infringement provided under the
9 provisions of this act.

10 D. The preemption provided in this act shall include:

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

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

16 E. For purposes of this section:

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

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

23 3. "Law-abiding citizen" means a person who is not otherwise
24 precluded under state law from possessing a firearm and shall not be

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construed to include anyone who is not legally present in the United States or this state.

SECTION 2. This act shall become effective November 1, 2023.

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