

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 828

By: Dahm

AS INTRODUCED

An Act relating to the Anti-Red Flag Act; amending 21 O.S. 2021, Section 1289.24c, which relates to preemption; nullifying any unlawful federal rule, statute, or executive order relating to extreme risk orders; creating a felony conviction of an individual attempting to enforce certain orders; and declaring an emergency.

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

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

Section 1289.24c. A. The ~~State~~ Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way extreme risk protection orders against or upon a citizen of this state to the complete exclusion of any order, ordinance or regulation by any municipality or other political subdivision of this state.

B. Any agency of this state or any political subdivision in this state shall be prohibited from accepting any grants or funding to implement any statute, rule or executive order, judicial order or

1 judicial findings that would have the effect of forcing an extreme
2 risk protection order against or upon a citizen of this state.

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

9 1. Prohibiting a named individual from having under the custody
10 or control of the individual, owning, possessing or receiving a
11 firearm; or

12 2. Having a firearm removed or requiring the surrender of
13 firearms from a named individual.

14 D. Any unlawful federal statute, rule, or executive order,
15 federal or state judicial order, or judicial finding that would have
16 the effect of forcing an extreme risk protection order or ex parte
17 extreme risk protection order against or upon a citizen of this
18 state, which would unlawfully infringe upon a citizen's
19 constitutionally protected rights including, but not limited to, the
20 right to free speech, shall be null, void, unenforceable, and of no
21 effect in this state.

22 E. An individual including a law enforcement officer who
23 attempts to enforce an unlawful federally implemented extreme risk
24 protection order upon a citizen of this state, shall be, upon

1 conviction, guilty of a felony punishable by a fine up to One
2 Thousand Dollars (\$1,000.00) and imprisonment by the Department of
3 Corrections not exceeding one (1) year.

4 SECTION 2. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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