

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1215

By: Dahm

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6 AS INTRODUCED

7 An Act relating to the right to bear arms; creating  
8 the Oklahoma 2nd Amendment Preservation Act;  
9 providing short title; stating findings; providing  
10 penalties for certain violations; providing for  
11 noncodification; providing for codification; and  
12 providing an effective date.

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 1290.28 of Title 21, unless  
16 there is created a duplication in numbering, reads as follows:

17 This act shall be known and cited as the "Oklahoma 2nd Amendment  
18 Preservation Act".

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

21 The Legislature of the State of Oklahoma finds:

22 1. That the right to keep and bear arms is a fundamental  
23 individual right that shall not be infringed;

24 2. That it is the intent of the Legislature in enacting this  
act to protect Oklahoma employees, including law enforcement

1 officers, from being directed, through federal executive orders,  
2 agency orders, statutes, laws, rules or regulations enacted or  
3 promulgated on or after the effective date of this act, to violate  
4 their oath of office and individual rights affirmed under the 2nd  
5 Amendment to the Constitution for the United States and Section 26  
6 of Article II of the Constitution of the State of Oklahoma;

7 3. That pursuant to and in furtherance of the principles of  
8 federalism enshrined in the Constitution of the United States, the  
9 federal government may not commandeer this State's officers, agents  
10 or employees to participate in the enforcement or facilitation of  
11 any federal program not expressly required by the Constitution of  
12 the United States;

13 4. That this right to be free from the commandeering hand of  
14 the federal government has been most notably recognized by the  
15 United States Supreme Court in *Printz v. United States* when the  
16 Court held: "The Federal Government may neither issue directives  
17 requiring the States to address particular problems, nor command the  
18 States' officers, or those of their political subdivisions, to  
19 administer or enforce a federal regulatory program."; and

20 5. That the anti-commandeering principles recognized by the  
21 United States Supreme Court in *Printz v. United States* are  
22 predicated upon the advice of James Madison, who in *The Federalist*  
23 No. 46 advised, "a refusal to cooperate with officers of the Union"

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1 in response to either unconstitutional federal measures or  
2 constitutional but unpopular federal measures.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1290.29 of Title 21, unless  
5 there is created a duplication in numbering, reads as follows:

6 Notwithstanding any law, regulation, rule or order to the  
7 contrary, no agency of this state, political subdivision of this  
8 state or employee of an agency or political subdivision of this  
9 state acting in his or her official capacity shall:

10 1. Knowingly and willingly participate in any way in the  
11 enforcement of any federal act, law, order, rule or regulation  
12 issued, enacted or promulgated on or after the effective date of  
13 this act regarding a personal firearm, firearm accessory or  
14 ammunition; or

15 2. Utilize any assets, state funds or funds allocated by the  
16 state to local entities on or after the effective date of this act,  
17 in whole or in part, to engage in any activity that aids a federal  
18 agency, federal agent or corporation providing services to the  
19 federal government in the enforcement or any investigation pursuant  
20 to the enforcement of any federal act, law, order, rule or  
21 regulation issued, enacted or promulgated on or after the effective  
22 date of this act, regarding a personal firearm, firearm accessory or  
23 ammunition.

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1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1290.30 of Title 21, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. Any agent or employee of this state, or of any political  
5 subdivision of this state who knowingly violates the prohibitions in  
6 Section 3 of this act shall, on a first violation, be liable for a  
7 civil penalty not to exceed Three Thousand Dollars (\$3,000.00),  
8 which shall be paid into the general revenue fund of the state, and  
9 on a second or subsequent violation shall be guilty of a  
10 misdemeanor.

11 B. A political subdivision of this state may not receive grant  
12 funds if the political subdivision adopts a rule, order, ordinance  
13 or policy under which the political subdivision violates Section 3  
14 of this act. State grant funds for the political subdivision shall  
15 be denied for the fiscal year following the year in which a final  
16 judicial determination in an action brought under this section is  
17 made that the political subdivision has intentionally required  
18 actions which violate the prohibitions in Section 3 of this act.

19 SECTION 5. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1290.31 of Title 21, unless  
21 there is created a duplication in numbering, reads as follows:

22 The provisions of this act are hereby declared to be severable  
23 and if any provision of this act or the application of such  
24 provision to any person or circumstance is declared invalid for any

1 reason, such declaration shall not affect the validity of the  
2 remaining portions of this act.

3 SECTION 6. This act shall become effective November 1, 2018.

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