

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2643

By: Steagall

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6 AS INTRODUCED

7 An Act relating to firearm suppressors; creating the  
8 Firearms Manufacturing Act of 2023; defining terms;  
9 providing requirements for manufacturing firearms,  
10 firearm parts and firearm suppressors in Oklahoma;  
11 providing certain exemption from federal laws and  
12 federal regulations; declaring firearms, firearm  
13 parts and firearm suppressors manufactured in  
14 Oklahoma exempt from federal regulation; requiring  
15 certain stamp on firearms, firearm parts and firearm  
16 suppressors manufactured and sold in Oklahoma;  
17 directing Attorney General to seek declaratory  
18 judgments under certain circumstances; stating  
19 applicability of statute; prohibiting certain  
20 entities from adopting or imposing rules, ordinances,  
21 policies or restrictions regulating firearms, firearm  
22 parts and firearm suppressors that contravene state  
23 law; prohibiting certain entities and employees from  
24 enforcing or attempting to enforce certain federal  
statutes, orders, rules or regulations; prohibiting  
certain 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.

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

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

4 This act shall be known and may be cited as the "Firearms  
5 Manufacturing Act of 2023".

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

9 A. As used in this act:

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

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

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

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

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

22 1. In this state from basic materials; and

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

1 C. For the purposes of this act, a firearm, firearm part, or  
2 firearm suppressor is manufactured in this state if it is  
3 manufactured as described by subsection B of this section without  
4 regard to whether a firearm imported into this state from another  
5 state is attached to or used in conjunction with the firearm part or  
6 firearm suppressor.

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

12 E. A basic material from which a firearm, firearm part, or  
13 firearm suppressor is manufactured in this state, including  
14 unmachined steel, is not a firearm, firearm part, or firearm  
15 suppressor and is not subject to federal regulation under the  
16 authority of the United States Congress to regulate interstate  
17 commerce as if it actually were a firearm, firearm part or firearm  
18 suppressor.

19 F. A firearm, firearm part, or firearm suppressor manufactured  
20 and sold in this state must have the words "Made in Oklahoma"  
21 clearly stamped on the firearm, firearm part, or firearm suppressor.

22 G. On written notification to the Office of the Attorney  
23 General of this state by a United States citizen who resides in this  
24 state of the intent of the citizen to manufacture a firearm, firearm

1 part, or firearm suppressor to which subsection D of this section  
2 applies, the Attorney General shall seek a declaratory judgment from  
3 a federal district court in this state that subsection D of this  
4 section is consistent with the United States Constitution.

5 H. The provisions of this section shall apply to:

6 1. The State of Oklahoma, including an agency, department,  
7 commission, bureau, board, office, council, court, or other entity  
8 that is in any branch of state government and that is created by the  
9 Oklahoma Constitution or a statute of this state, including a  
10 university system or a system of higher education;

11 2. The governing body of a municipality, county, district, or  
12 authority; and

13 3. An officer, employee, or other body that is part of a  
14 municipality, county, special district, or authority, including a  
15 sheriff, municipal police department, municipal attorney, or  
16 district attorney.

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

1 J. No entity described by subsection H of this section and no  
2 person employed by or otherwise under the direction or control of  
3 the entity may enforce or attempt to enforce any federal statute,  
4 order, rule, or regulation described by subsection I of this  
5 section.

6 K. An entity described by subsection H of this section may not  
7 receive state grant funds if the entity adopts a rule, order,  
8 ordinance, or policy under which the entity enforces a federal law  
9 described by subsection I of this section or, by consistent action,  
10 allows the enforcement of a federal law described by subsection I of  
11 this section.

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

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

1 N. If the Attorney General determines that a complaint filed  
2 under subsection M of this section against an entity described by  
3 subsection H of this section is valid, the Attorney General may file  
4 a petition for a writ of mandamus or apply for other appropriate  
5 equitable relief in the district court of Oklahoma County or in a  
6 county in which the principal office of the entity is located. The  
7 Attorney General may recover reasonable expenses incurred obtaining  
8 relief under this subsection, including court costs, reasonable  
9 attorney fees, investigative costs, witness fees, and deposition  
10 costs.

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

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

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21 59-1-6129 GRS 01/04/23  
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