

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 23

By: Dahm

AS INTRODUCED

An Act relating to the Second Amendment; amending 21 O.S. 2021, Section 1289.24e, which relates to the Second Amendment Sanctuary State Act; allowing certain detention or arrest; 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 ordering the buy-back, confiscation or surrender of firearms, firearm accessories or ammunition from law-abiding citizens of this

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

10 Pursuant to the provisions of this act, a county sheriff shall have
11 the authority to detain or arrest any federal employee operating
12 within the county of the sheriff's jurisdiction while enforcing any
13 federal act, law, executive order, administrative order, court
14 order, rule, policy, or regulation in violation of subsection B of
15 this section.

16 D. The preemption provided in ~~this act~~ the Second Amendment
17 Sanctuary State Act shall include:

18 1. Any regulation of arms and ammunition, pursuant to the
19 National Firearms Act of 1934, prohibited or regulated on or after
20 ~~the effective date of this act~~ April 26, 2021; and

21 2. Any regulations or provision of the Gun Control Act of 1968,
22 prohibited or regulated on or after ~~the effective date of this act~~
23 April 26, 2021.

24 E. For purposes of this section:
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1. "Arms" is defined as any firearm, firearm part, accessory or ammunition required to render that firearm operable and effective;

2. "Infringement" shall mean any law that reduces, represses, diminishes or subverts the right to keep and bear arms, ammunition, parts and accessories in any amount that is legal as of ~~the~~ effective date of this act April 26, 2021, of any citizen in this state; and

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