

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL NO. 1081

6 By: Dahm and Bullard

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to state preemption of extreme risk
10 protection orders; creating the Anti-Red Flag Act;
11 preempting field of legislation relating to extreme
12 risk protection orders; providing definition;
13 providing for codification; and declaring an
14 emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1289.24b of Title 21, unless
18 there is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Anti-Red Flag
20 Act".

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1289.24c of Title 21, unless
23 there is created a duplication in numbering, reads as follows:

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

7 B. Any agency of this state or any political subdivision in
8 this state shall be prohibited from accepting any grants or funding
9 to implement any statute, rule or executive order, judicial order or
10 judicial findings that would have the effect of forcing an extreme
11 risk protection order against or upon a citizen of this state.

12 C. For purposes of this section, "extreme risk protection
13 order" means an executive order, written order or warrant issued by
14 a court or signed by a magistrate or comparable officer of the
15 court, for which the primary purpose is to reduce the risk of
16 firearm-related death or injury by doing one or more of the
17 following:

18 1. Prohibiting a named individual from having under the custody
19 or control of the individual, owning, possessing or receiving a
20 firearm; or

21 2. Having a firearm removed or requiring the surrender of
22 firearms from a named individual.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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