STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1081
By: Dahm

AS INTRODUCED
An Act relating to state preemption of extreme risk protection orders; creating the Anti-Red Flag Act; preempting field of legislation relating to extreme risk protection orders; nullifying any federal rule, statute or executive order relating to extreme risk protection orders; creating a felony for conviction of an individual attempting to enforce certain orders; providing definition; providing for codification; and declaring an emergency.

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

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

This act shall be known and may be cited as the “Anti-Red Flag Act”.

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

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

B. Any federal statute, rule or executive order, federal or
state judicial order or judicial findings that would have the effect
of forcing an extreme risk protection order or ex parte extreme risk
protection order against or upon a citizen of Oklahoma, which would
infringe upon a citizen’s Constitutionally-protected rights
including, but not limited to the right to due process, the right to
keep and bear arms and the right to free speech, shall be null,
void, unenforceable and of no effect in the state of Oklahoma.

C. Any Oklahoma agency or any political subdivision in the
state of Oklahoma shall be prohibited from accepting any federal
grants to implement any federal statute, rule or executive order,
federal or state judicial order or judicial findings that would have
the effect of forcing an extreme risk protection order against or
upon a citizen of Oklahoma.

D. An individual, including a law enforcement officer, who
attempts to enforce a federally-implemented extreme risk protection
order upon a citizen of Oklahoma, shall be, upon conviction, guilty
of a felony.

E. For purposes of this section, “extreme risk protection
order” means an executive order, written order or warrant issued by
a federal court or signed by a magistrate or comparable officer of
the court, for which the primary purpose is to reduce the risk of
firearm-related death or injury by doing one or more of the
following:

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

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

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