

By: Hopper

H.B. No. 3934

A BILL TO BE ENTITLED

AN ACT

relating to governmental action that infringes on the right to keep
and bear arms in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.10(b), Penal Code, is amended to read
as follows:

(b) Notwithstanding any other law, an agency of this state,
a political subdivision of this state, or a law enforcement officer
or other person employed by an agency of this state or a political
subdivision of this state may not contract with or in any other
manner provide assistance to a federal agency or official with
respect to the enforcement of a federal statute, order, rule, or
regulation that:

(1) imposes a prohibition, restriction, or other
regulation that does not exist under the laws of this state; and

(2) relates to:

(A) a registry requirement for possessing or
owning a firearm, a firearm accessory, or ammunition;

(B) a requirement that an owner of a firearm, a
firearm accessory, or ammunition possess a license as a condition
of owning, possessing, or carrying the firearm, firearm accessory,
or ammunition;

(C) a requirement that a background check be
conducted for the private sale or transfer of a firearm, a firearm

1 accessory, or ammunition;

2 (D) a program for confiscating a firearm, a
3 firearm accessory, or ammunition from a person who is not otherwise
4 prohibited by the laws of this state from possessing the firearm,
5 firearm accessory, or ammunition; ~~[or]~~

6 (E) a program that requires an owner of a
7 firearm, a firearm accessory, or ammunition to sell the firearm,
8 firearm accessory, or ammunition; or

9 (F) a tax, fee, or surcharge imposed only on a
10 firearm, firearm accessory, or ammunition, or only on the sale or
11 transfer of a firearm, firearm accessory, or ammunition.

12 SECTION 2. Subtitle H, Title 10, Government Code, is
13 amended by adding Chapter 2402 to read as follows:

14 CHAPTER 2402. PROTECTION OF RIGHT TO KEEP AND BEAR ARMS

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 2402.001. DEFINITIONS. In this chapter:

17 (1) "Governmental entity" means:

18 (A) this state;

19 (B) a board, commission, council, department,
20 or other agency in the executive branch of state government that
21 is created by the state constitution or a statute, including an
22 institution of higher education as defined by Section 61.003,
23 Education Code;

24 (C) the legislature or a legislative agency;

25 (D) a state judicial agency or the State Bar of
26 Texas;

27 (E) a political subdivision, including a county,

1 municipality, or special district or authority; or

2 (F) an officer, employee, or agent of an entity
3 described by Paragraphs (A) through (E).

4 (2) "Law-abiding citizen" means an individual who is
5 not otherwise prohibited from possessing a firearm. The term does
6 not include an individual who is not legally authorized to be
7 present in the United States.

8 (3) "Material aid and support" includes voluntarily
9 giving or allowing another person to make use of lodging,
10 communication equipment, or services, including social media
11 accounts, facilities, weapons, personnel, transportation,
12 clothing, or another physical asset. The term does not include:

13 (A) giving or allowing the use of materials
14 necessary to treat physical injuries; or

15 (B) providing assistance to individuals to
16 prevent a serious and present risk of a life-threatening injury.

17 (4) "Peace officer" means an individual described by
18 Article 2A.001, Code of Criminal Procedure.

19 Sec. 2402.002. DUTY TO PROTECT RIGHT TO KEEP AND BEAR ARMS.
20 Courts and law enforcement agencies in this state shall protect the
21 right of law-abiding citizens to keep and bear arms in this state
22 and to protect that right from infringement.

23 SUBCHAPTER B. CIVIL ACTION FOR INFRINGING RIGHT TO KEEP AND BEAR
24 ARMS

25 Sec. 2402.051. CIVIL ACTION. A governmental entity that
26 employs a peace officer who knowingly violates Section 1.10, Penal
27 Code, or otherwise knowingly deprives a law-abiding citizen of this

1 state of the right to keep and bear arms while acting under the
2 color of any state or federal law is liable to the citizen for the
3 damages resulting from the violation or deprivation.

4 Sec. 2402.052. REMEDIES. (a) A prevailing claimant may
5 recover in an action brought under this subchapter:

6 (1) actual damages;
7 (2) statutory damages of \$50,000 per occurrence;
8 (3) appropriate equitable relief; and
9 (4) costs and reasonable attorney's fees incurred in
10 bringing the action.

11 (b) Damages under Subsection (a)(2) may not be considered
12 exemplary damages for purposes of Chapter 41, Civil Practice and
13 Remedies Code.

14 Sec. 2402.053. VENUE. A claimant may bring an action under
15 this subchapter in a district court in Travis County or in a county
16 in which the principal office of the governmental entity is
17 located.

18 Sec. 2402.054. PRELIMINARY INJUNCTION HEARING. In an
19 action brought under this subchapter, a court, on its own motion,
20 shall hold a hearing for a preliminary injunction not later than the
21 30th day after the date each defendant is served with process for
22 the action.

23 Sec. 2402.055. WAIVER OF IMMUNITY. A governmental entity's
24 sovereign or governmental immunity to suit and from liability is
25 waived to the extent of liability created by this subchapter.

SUBCHAPTER C. ACTION FOR EMPLOYING CERTAIN FORMER FEDERAL
OFFICIALS, EMPLOYEES, OR AGENTS

Sec. 2402.101. CIVIL ACTION. An individual residing in a
governmental entity's jurisdiction may bring an action against the
entity if the entity employs an individual who, when the individual
was a federal official, employee, or agent:

(1) enforced or attempted to enforce a federal
statute, order, rule, or regulation described by Section 1.10(b),
Penal Code; or

(2) gave material aid and support to another person
enforcing or attempting to enforce a federal statute, order, rule,
or regulation described by Section 1.10(b), Penal Code.

Sec. 2402.102. REMEDIES. A prevailing claimant in an
action brought under this subchapter may recover:

(1) statutory damages of \$50,000 for each employee
described by Section 2402.101;

(2) appropriate equitable relief; and

(3) court costs and reasonable attorney's fees
incurred in bringing the action.

Sec. 2402.103. WAIVER OF IMMUNITY. A governmental entity's
sovereign or governmental immunity to suit and from liability is
waived to the extent of liability created by this subchapter.

SECTION 3. The changes in law made by this Act apply only to
a cause of action that accrues on or after the effective date of
this Act.

SECTION 4. This Act takes effect September 1, 2025.