

By: Krause

H.B. No. 19

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the enforcement of certain federal laws regulating  
3 firearms, firearm accessories, and firearm ammunition within the  
4 State of Texas.

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

6 SECTION 1. Chapter 1, Penal Code, is amended by adding  
7 Section 1.10 to read as follows:

8 Sec. 1.10. ENFORCEMENT OF CERTAIN FEDERAL LAWS REGULATING  
9 FIREARMS, FIREARM ACCESSORIES, AND FIREARM AMMUNITION. (a) In  
10 this section:

11 (1) "Firearm" has the meaning assigned by Section  
12 46.01.

13 (2) "Firearm accessory" means an item that is used in  
14 conjunction with or mounted on a firearm but is not essential to the  
15 basic function of a firearm. The term includes a detachable firearm  
16 magazine.

17 (b) An agency of this state or a political subdivision of  
18 this state, and a law enforcement officer or other person employed  
19 by an agency of this state or a political subdivision of this state,  
20 may not contract with or in any other manner provide assistance to a  
21 federal agency or official with respect to the enforcement of a  
22 federal statute, order, rule, or regulation purporting to regulate  
23 a firearm, a firearm accessory, or firearm ammunition if the  
24 statute, order, rule, or regulation imposes a prohibition,

1 restriction, or other regulation, such as a capacity or size  
2 limitation or a registration requirement, that does not exist under  
3 the laws of this state.

4 (c) A political subdivision of this state may not receive  
5 state grant funds if the political subdivision adopts a rule,  
6 order, ordinance, or policy under which the political subdivision  
7 requires the enforcement of any federal statute, order, rule, or  
8 regulation described by Subsection (b) or, by consistent actions,  
9 requires the enforcement of any federal statute, order, rule, or  
10 regulation described by Subsection (b). State grant funds for the  
11 political subdivision shall be denied for the fiscal year following  
12 the year in which a final judicial determination in an action  
13 brought under this section is made that the political subdivision  
14 has intentionally required the enforcement of any federal statute,  
15 order, rule, or regulation described by Subsection (b).

16 (d) Any citizen residing in the jurisdiction of a political  
17 subdivision of this state may file a complaint with the attorney  
18 general if the citizen offers evidence to support an allegation  
19 that the political subdivision has adopted a rule, order,  
20 ordinance, or policy under which the political subdivision requires  
21 the enforcement of any federal statute, order, rule, or regulation  
22 described by Subsection (b) or that, by consistent actions,  
23 requires the enforcement of any federal statute, order, rule, or  
24 regulation described by Subsection (b). The citizen must include  
25 with the complaint the evidence the citizen has that supports the  
26 complaint.

27 (e) If the attorney general determines that a complaint

1 filed under Subsection (d) against a political subdivision of this  
2 state is valid, the attorney general may file a petition for a writ  
3 of mandamus or apply for other appropriate equitable relief in a  
4 district court in Travis County or in a county in which the  
5 principal office of the political subdivision is located to compel  
6 the political subdivision to comply with Subsection (b). The  
7 attorney general may recover reasonable expenses incurred in  
8 obtaining relief under this subsection, including court costs,  
9 reasonable attorney's fees, investigative costs, witness fees, and  
10 deposition costs.

11 (f) An appeal of a suit brought under Subsection (e) is  
12 governed by the procedures for accelerated appeals in civil cases  
13 under the Texas Rules of Appellate Procedure. The appellate court  
14 shall render its final order or judgment with the least possible  
15 delay.

16 (g) The attorney general shall defend any agency of this  
17 state that the federal government attempts to sue for an action or  
18 omission consistent with the requirements of this section.

19 SECTION 2. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2013