A BILL TO BE ENTITLED
AN ACT
relating to the Texas Liberty Preservation Act; providing penalties.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. (a) This Act shall be known as the "Texas Liberty Preservation Act."
(b) The legislature finds that:
   (1) the Tenth Amendment to the United States Constitution authorizes the United States federal government to exercise only those powers specifically delegated to it under Article I, Section 8, United States Constitution;
   (2) the guaranty of the constitutional limitations on federal power is a matter of contract between the several states, including the State of Texas, and the federal government at the time the United States Constitution was ratified and subsequently amended by the Bill of Rights;
   (3) Article VI, United States Constitution, provides that the laws of the United States federal government are the supreme law of the land only if those laws are adopted in accordance with the powers delegated to the federal government in the United States Constitution;
   (4) the President of the United States has asserted that the Authorization for the Use of Military Force (Pub. L. No. 107-40), enacted in 2001, authorizes the president to indefinitely
detain, without charge, any person, including a citizen of the United States or a lawful resident alien, regardless of whether the person is apprehended inside or outside the borders of the United States;

(5) Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. No. 112-81) authorize:

(A) indefinite detention of persons apprehended within the United States without charge or trial;

(B) prosecution by military tribunals under the law of war for persons apprehended within the United States; and

(C) transfer of persons apprehended within the United States to foreign jurisdictions;

(6) in authorizing the actions described by Subdivision (5) of this subsection, Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. No. 112-81) are inimical to the liberty, security, and well-being of the citizens of the State of Texas by violating:

(A) the Texas Constitution;

(B) the limits of federal power authorized by Article I, Section 8, United States Constitution;

(C) the legal doctrine of Posse Comitatus under 18 U.S.C. Section 1385 by authorizing the armed forces of the United States to police the United States; and

(D) the following provisions of the United States Constitution:

(i) Article I, Section 9, Clause 2
(ensuring the right to seek a habeas corpus);
(ii) the First Amendment (ensuring the right to petition the federal government for the redress of grievances);
(iii) the Fourth Amendment (ensuring the right to be free from unreasonable search and seizure);
(iv) the Fifth Amendment (requiring capital or infamous crimes to be brought before a grand jury before charging the defendant and prohibiting deprivation of life, liberty, or property without due process of law);
(v) the Sixth Amendment (ensuring the right to a speedy trial by an impartial jury in the state or district where the offense was alleged to have been committed, the right to be informed of the nature and cause of accusations and charges levied, the right to retain legal counsel, and the right to confront witnesses);
(vi) the Eighth Amendment (prohibiting excessive bail and fines and prohibiting cruel and unusual punishment); and
(vii) the Fourteenth Amendment (prohibiting deprivation of life, liberty, or property without due process of law); and
(7) the actions described by Subdivision (5) of this subsection as authorized by Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. No. 112-81), and the enforcement of those actions, are illegal within this state.
SECTION 2. Chapter 421, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. TEXAS LIBERTY PRESERVATION ACT

Sec. 421.101. CERTAIN PORTIONS OF THE FEDERAL NATIONAL DEFENSE AUTHORIZATION ACT OF 2012 INVALID. Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. No. 112-81) violate portions of federal law, the United States Constitution, and the Texas Constitution and, as such, are invalid and illegal in this state.

Sec. 421.102. POLICY; VIOLATION OF SUBCHAPTER. It is the policy of this state to refuse to provide material support for or to participate in any way with the implementation within this state of Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. No. 112-81). Any act to enforce or attempt to enforce those laws is in violation of this subchapter.

Sec. 421.103. OFFENSES; PENALTIES. (a) A person who is an official, agent, or employee of the United States or an employee of a corporation providing services to the United States commits an offense if the person enforces or attempts to enforce a statute, a rule or regulation, an order, or any law of the United States in violation of this subchapter.

(b) An offense under Subsection (a) is a Class A misdemeanor punishable by confinement for a term not to exceed one year, a fine of not more than $10,000, or both the confinement and the fine.

(c) A person who is a public officer or employee of this state commits an offense if that person enforces or attempts to enforce a statute, a rule or regulation, an order, or any law of the
United States in violation of this subchapter.

(d) An offense under Subsection (c) is a Class B misdemeanor punishable by confinement for a term not to exceed 180 days, a fine of not more than $5,000, or both the confinement and the fine.

Sec. 421.104. REPORT. The Texas Department of Public Safety shall report to the governor and the legislature any attempt by the federal government to implement Section 1021 or 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. No. 112-81) through the Texas Department of Public Safety or another state agency.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.