

1-1 By: Krause, et al. (Senate Sponsor - Estes) H.B. No. 928
1-2 (In the Senate - Received from the House May 8, 2013;
1-3 May 9, 2013, read first time and referred to Committee on
1-4 Agriculture, Rural Affairs, and Homeland Security; May 15, 2013,
1-5 reported adversely, with favorable Committee Substitute by the
1-6 following vote: Yeas 3, Nays 1; May 15, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12			X	
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 928 By: Hegar

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the enforcement of certain federal laws regulating
1-18 firearms, firearm accessories, and firearm ammunition within the
1-19 State of Texas.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 1, Penal Code, is amended by adding
1-22 Section 1.10 to read as follows:

1-23 Sec. 1.10. ENFORCEMENT OF CERTAIN FEDERAL LAWS REGULATING
1-24 FIREARMS, FIREARM ACCESSORIES, AND FIREARM AMMUNITION. (a) In
1-25 this section:

1-26 (1) "Firearm" has the meaning assigned by Section
1-27 46.01.

1-28 (2) "Firearm accessory" means an item that is used in
1-29 conjunction with or mounted on a firearm but is not essential to the
1-30 basic function of a firearm. The term includes a detachable firearm
1-31 magazine.

1-32 (b) An agency of this state or a political subdivision of
1-33 this state, and a law enforcement officer or other person employed
1-34 by an agency of this state or a political subdivision of this state,
1-35 may not contract with or in any other manner provide assistance to a
1-36 federal agency or official with respect to the enforcement of a
1-37 federal statute, order, rule, or regulation purporting to regulate
1-38 a firearm, a firearm accessory, or firearm ammunition if the
1-39 statute, order, rule, or regulation imposes a prohibition,
1-40 restriction, or other regulation, such as a capacity or size
1-41 limitation or a registration requirement, that does not exist under
1-42 the laws of this state.

1-43 (b-1) Subsection (b) does not apply to a contract or
1-44 agreement to provide assistance in the enforcement of a federal
1-45 statute, order, rule, or regulation in effect on August 31, 2013,
1-46 that pertains to border security.

1-47 (c) A political subdivision of this state may not receive
1-48 state grant funds if the political subdivision adopts a rule,
1-49 order, ordinance, or policy under which the political subdivision
1-50 requires the enforcement of any federal statute, order, rule, or
1-51 regulation described by Subsection (b) or, by consistent actions,
1-52 requires the enforcement of any federal statute, order, rule, or
1-53 regulation described by Subsection (b). State grant funds for the
1-54 political subdivision shall be denied for the fiscal year following
1-55 the year in which a final judicial determination in an action
1-56 brought under this section is made that the political subdivision
1-57 has intentionally required the enforcement of any federal statute,
1-58 order, rule, or regulation described by Subsection (b).

1-59 (d) Any citizen residing in the jurisdiction of a political
1-60 subdivision of this state may file a complaint with the attorney

2-1 general if the citizen offers evidence to support an allegation
2-2 that the political subdivision has adopted a rule, order,
2-3 ordinance, or policy under which the political subdivision requires
2-4 the enforcement of any federal statute, order, rule, or regulation
2-5 described by Subsection (b) or that, by consistent actions,
2-6 requires the enforcement of any federal statute, order, rule, or
2-7 regulation described by Subsection (b). The citizen must include
2-8 with the complaint the evidence the citizen has that supports the
2-9 complaint.

2-10 (e) If the attorney general determines that a complaint
2-11 filed under Subsection (d) against a political subdivision of this
2-12 state is valid, the attorney general may file a petition for a writ
2-13 of mandamus or apply for other appropriate equitable relief in a
2-14 district court in Travis County or in a county in which the
2-15 principal office of the political subdivision is located to compel
2-16 the political subdivision to comply with Subsection (b). The
2-17 attorney general may recover reasonable expenses incurred in
2-18 obtaining relief under this subsection, including court costs,
2-19 reasonable attorney's fees, investigative costs, witness fees, and
2-20 deposition costs.

2-21 (f) An appeal of a suit brought under Subsection (e) is
2-22 governed by the procedures for accelerated appeals in civil cases
2-23 under the Texas Rules of Appellate Procedure. The appellate court
2-24 shall render its final order or judgment with the least possible
2-25 delay.

2-26 (g) The attorney general shall defend any agency of this
2-27 state that the federal government attempts to sue for an action or
2-28 omission consistent with the requirements of this section.

2-29 SECTION 2. This Act takes effect immediately if it receives
2-30 a vote of two-thirds of all the members elected to each house, as
2-31 provided by Section 39, Article III, Texas Constitution. If this
2-32 Act does not receive the vote necessary for immediate effect, this
2-33 Act takes effect September 1, 2013.

2-34 * * * * *