

By: Laubenberg

H.B. No. 1049

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. The Legislature of the State of Texas finds that:

7 (1) The Tenth Amendment to the United States
8 Constitution reserves to the states and the people all powers not
9 granted to the federal government elsewhere in the constitution, as
10 those powers were understood at the time Texas was admitted to
11 statehood in 1845. The guaranty of those powers is a matter of
12 contract between the state and people of Texas and the United States
13 dating from the time Texas became a state.

14 (2) The Ninth Amendment to the United States
15 Constitution guarantees to the people rights not enumerated in the
16 constitution, as those rights were understood at the time Texas
17 became a state. The guaranty of those rights is a matter of
18 contract between the state and people of Texas and the United States
19 dating from the time Texas became a state.

20 (3) The Second Amendment to the United States
21 Constitution guarantees the right of the people to keep and bear
22 arms, as that right was understood at the time Texas became a state.
23 The guaranty of that right is a matter of contract between the state
24 and people of Texas and the United States dating from the time Texas

1 became a state.

2 (4) Section 23, Article I, Texas Constitution, secures
3 to Texas citizens the right to keep and bear arms. That
4 constitutional protection is unchanged from the date the
5 constitution was adopted in 1876.

6 SECTION 2. Chapter 1, Penal Code, is amended by adding
7 Section 1.10 to read as follows:

8 Sec. 1.10. REGULATION OF INTRASTATE FIREARMS, FIREARM
9 ACCESSORIES, AND FIREARM AMMUNITION. (a) In this section:

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

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

16 (b) A state or local government officer, agent, employee, or
17 representative may not enforce or attempt to enforce any federal
18 statute, order, rule, or regulation that:

19 (1) purports to regulate a firearm, a firearm
20 accessory, or firearm ammunition that remains exclusively within
21 the borders of this state;

22 (2) took effect on or after January 1, 2013; and

23 (3) imposes a prohibition, restriction, or other
24 regulation, such as a capacity or size limitation or a registration
25 requirement, that does not exist under the laws of this state.

26 (c) On written notice to the attorney general by a resident
27 of this state of the resident's intent to engage in an act that is

1 consistent with state law but may contradict a federal statute,
2 order, rule, or regulation described by Subsection (b), the
3 attorney general may seek a declaratory judgment from a federal
4 district court in this state that this section is consistent with
5 the United States Constitution.

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