

1-1 By: Creighton, et al. (Senate Sponsor - Patrick) H.B. No. 1314  
 1-2 (In the Senate - Received from the House May 7, 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	X			
1-9				
1-10		X		
1-11	X			
1-12			X	
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 1314 By: Schwertner

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

1-17 relating to the unlawful seizure of a firearm by a governmental  
 1-18 officer or employee; providing penalties.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 46, Penal Code, is amended by adding  
 1-21 Section 46.16 to read as follows:

1-22 Sec. 46.16. UNLAWFUL SEIZURE OF FIREARM. (a) A person who  
 1-23 is an officer or employee of the United States, this state, or a  
 1-24 political subdivision of this state commits an offense if the  
 1-25 person, while acting under color of the person's office or  
 1-26 employment, intentionally or knowingly seizes a firearm as  
 1-27 permitted or required by a federal statute, order, rule, or  
 1-28 regulation that:

1-29 (1) imposes a prohibition, restriction, or other  
 1-30 regulation on firearms that does not exist under the laws of this  
 1-31 state; and

1-32 (2) violates the United States Constitution.

1-33 (b) For purposes of this section, a person acts under color  
 1-34 of the person's office or employment if the person acts or purports  
 1-35 to act in an official capacity or takes advantage of such actual or  
 1-36 purported capacity.

1-37 (c) An offense under this section is a Class A misdemeanor.

1-38 SECTION 2. This Act takes effect immediately if it receives  
 1-39 a vote of two-thirds of all the members elected to each house, as  
 1-40 provided by Section 39, Article III, Texas Constitution. If this  
 1-41 Act does not receive the vote necessary for immediate effect, this  
 1-42 Act takes effect September 1, 2013.

1-43 \* \* \* \* \*