

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 10, 2013

TO: Honorable Craig Estes, Chair, Senate Committee on Agriculture, Rural Affairs & Homeland Security

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1076** by Toth (Relating to certain firearms, firearm accessories, and firearm ammunition within the State of Texas; providing an exemption from federal regulation and providing penalties.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would prohibit any state agency or subdivision from adopting any rule or policy through which that entity enforces any federal regulation on or after January 1, 2013 that purports to regulate firearms and related accessories if that federal regulation imposes a restriction that does not exist under the laws of this state. If a state or municipal entity is found by way of a final judicial determination to have violated the provisions of this bill, that entity is to be denied state grant funds for the fiscal year that follows.

Any citizen residing in the jurisdiction of an entity described above would be allowed to file a complaint with the attorney general if the citizen offers evidence to support an allegation that such entity has adopted or allowed the enforcement of a regulation prohibited by the bill. If the attorney general determines that a citizen's complaint concerning a state or municipal entity is valid, the attorney general may file a petition for writ of mandamus or apply for other equitable relief to compel the entity to comply with the provisions of this bill.

Finally, this bill would make it a Class A Misdemeanor for an officer of a state or municipal entity to knowingly enforce or attempt to enforce any regulation as described above.

Local Government Impact

A Class A Misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. New revenue from fewer fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: UP, SZ, SD, KKR