

**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:** **HB1314** by Creighton (Relating to the unlawful seizure of a firearm by a governmental officer or employee; providing penalties.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would create a Class A misdemeanor offense for a government employee to seize a firearm in accordance with a federal law that does not exist under Texas law.

The bill would create an exception to this rule if the seizure is consistent with United States Constitutional authority. This exception could be negated in the event that the prosecution proves beyond a reasonable doubt that, based on a decision by the United States Supreme Court, the aforementioned federal law is not within the scope of powers granted by the United States Constitution.

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.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, SZ, KKR