

BILL ANALYSIS

C.S.H.B. 2269
By: Metcalf
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Second Amendment to the United States Constitution guarantees the rights of American citizens to keep and bear arms. Interested parties assert that the federal government's recent consideration of constitutionally questionable firearm regulations threatens the most important aspects of the amendment. C.S.H.B. 2269 seeks to take action necessary to prevent the enforcement of federal laws that exceed the constitutional authority of the federal government as it relates to firearms.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2269 amends the Penal Code to create the Class A misdemeanor offense of unlawful seizure of firearm for a person who is an officer or employee of the United States, the State of Texas, or a political subdivision of the state acting under color of the person's office or employment to intentionally or knowingly seize a firearm as permitted or required by a federal statute, order, rule, or regulation that imposes a prohibition, restriction, or other regulation on firearms that does not exist under state law. The bill establishes that a person acts under color of the person's office or employment, for purposes of the offense, if the person acts or purports to act in an official capacity or takes advantage of such actual or purported capacity. The bill excepts from application of the offense the seizure of a firearm consistent with an explicit and applicable grant of federal statutory authority that is consistent with the United States Constitution. The bill authorizes the prosecution to negate the existence of such an exception only by proving beyond a reasonable doubt that, based on a decision entered by the U.S. Supreme Court on or after September 1, 2015, the federal statute, order, rule, or regulation permitting or requiring seizure of the firearm is not within the scope of federal powers conferred by the United States Constitution.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2269 differs from the original only by amending the caption.