

## **BILL ANALYSIS**

H.B. 2286  
By: Oliverson  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the criminal consequences of certain conduct involving a firearm suppressor, a device that reduces the noise of a gunshot. It has been suggested that these devices may help lawful gun owners reduce potential hearing loss associated with firearm use. There have been calls to reduce the regulation of these devices for responsible gun owners and to prevent the adoption at the state and local level of measures that enforce federal regulations restricting use of the devices. H.B. 2286 seeks to address this issue by removing certain conduct involving a firearm silencer from conduct constituting a prohibited weapons offense and by prohibiting state and governmental entities from enforcing federal regulations governing firearm suppressors that are not consistent with state law.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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**

H.B. 2286 amends the Penal Code to remove a firearm silencer from the list of prohibited weapons whose intentional or knowing possession, manufacture, transport, repair, or sale constitutes an offense. The bill establishes that a criminal action pending on the bill's effective date for such an offense involving a firearm silencer is dismissed on that date.

H.B. 2286 amends the Government Code to prohibit an applicable state or local entity or officer, employee, or body of certain such entities from adopting a rule, order, ordinance, or policy under which the entity enforces, or by consistent action allows the enforcement of, a federal statute, order, rule, or regulation that purports to regulate a firearm suppressor if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under state law. The bill prohibits such an entity from receiving state grant funds if the entity adopts such a rule, order, ordinance, or policy and requires state grant funds for the entity to be denied for the fiscal year following the year in which a final judicial determination in a related action is made that the entity has violated the prohibition on such adoption. The bill prohibits such an entity and any person employed by or otherwise under the entity's direction or control from enforcing or attempting to enforce any such federal statute, order, rule, or regulation.

H.B. 2286 authorizes any citizen residing in the entity's jurisdiction to file a complaint with the attorney general on offering evidence to support an allegation that the entity has adopted such a rule, order, ordinance, or policy and authorizes the attorney general, on determining that such a

complaint is valid, to file a petition for a writ of mandamus or apply for other appropriate equitable relief in a specified district court for purposes of compelling the entity's compliance. The bill authorizes the attorney general to recover reasonable expenses incurred in obtaining such relief, establishes that an appeal of such a suit is governed by the Texas Rules of Appellate Procedure, and requires the appellate court to render its final order or judgment with the least possible delay.

H.B. 2286 repeals Section 46.01(4), Penal Code.

**EFFECTIVE DATE**

September 1, 2019.