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H.B. No. 2286

A BILL TO BE ENTITLED

AN ACT

relating to the criminal consequences of engaging in certain
conduct with respect to certain firearm accessories and prohibiting
the enforcement of certain federal laws related to certain firearm
accessories.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 1, Government Code, is amended by adding
Chapter 2 to read as follows:

CHAPTER 2. ENFORCEMENT OF CERTAIN FEDERAL LAWS PROHIBITED

Sec. 2.001. DEFINITIONS. In this chapter:

(1) "Firearm" has the meaning assigned by Section
46.01, Penal Code.

(2) "Firearm suppressor" means any device designed,
made, or adapted to muffle the report of a firearm.

Sec. 2.002. STATE AND LOCAL GOVERNMENT POLICY REGARDING
ENFORCEMENT OF FEDERAL FIREARM LAWS. (a) This section applies to:

(1) the State of Texas, including an agency,
department, commission, bureau, board, office, council, court, or
other entity that is in any branch of state government and that is
created by the constitution or a statute of this state, including a
university system or a system of higher education;

(2) the governing body of a municipality, county, or
special district or authority;

(3) an officer, employee, or other body that is part of

1 a municipality, county, or special district or authority, including
2 a sheriff, municipal police department, municipal attorney, or
3 county attorney; and

4 (4) a district attorney or criminal district attorney.

5 (b) An entity described by Subsection (a) may not adopt a
6 rule, order, ordinance, or policy under which the entity enforces,
7 or by consistent action allows the enforcement of, a federal
8 statute, order, rule, or regulation that purports to regulate a
9 firearm suppressor if the statute, order, rule, or regulation
10 imposes a prohibition, restriction, or other regulation that does
11 not exist under the laws of this state.

12 (c) Except as provided by Subsection (c-1), no entity
13 described by Subsection (a) and no person employed by or otherwise
14 under the direction or control of the entity may enforce or attempt
15 to enforce any federal statute, order, rule, or regulation
16 described by Subsection (b).

17 (c-1) Notwithstanding any other provision of this chapter,
18 a law enforcement officer may enforce a federal statute, order,
19 rule, or regulation described by Subsection (b) if the officer is
20 cooperating with an agent of the federal government as a member of a
21 task force.

22 (d) An entity described by Subsection (a) may not receive
23 state grant funds if the entity adopts a rule, order, ordinance, or
24 policy under which the entity enforces a federal law described by
25 Subsection (b) or, by consistent action, allows the enforcement of
26 a federal law described by Subsection (b). State grant funds for
27 the entity shall be denied for the fiscal year following the year in

1 which a final judicial determination in an action brought under
2 this section is made that the entity has violated Subsection (b).

3 (e) Any citizen residing in the jurisdiction of an entity
4 described by Subsection (a) may file a complaint with the attorney
5 general if the citizen offers evidence to support an allegation
6 that the entity has adopted a rule, order, ordinance, or policy
7 under which the entity enforces a federal law described by
8 Subsection (b) or that the entity, by consistent action, allows the
9 enforcement of a federal law described by Subsection (b). The
10 citizen must include with the complaint any evidence the citizen
11 has in support of the complaint.

12 (f) If the attorney general determines that a complaint
13 filed under Subsection (e) against an entity described by
14 Subsection (a) is valid, to compel the entity's compliance with
15 this section the attorney general may file a petition for a writ of
16 mandamus or apply for other appropriate equitable relief in a
17 district court in Travis County or in a county in which the
18 principal office of the entity is located. The attorney general may
19 recover reasonable expenses incurred in obtaining relief under this
20 subsection, including court costs, reasonable attorney's fees,
21 investigative costs, witness fees, and deposition costs.

22 (g) An appeal of a suit brought under Subsection (f) is
23 governed by the procedures for accelerated appeals in civil cases
24 under the Texas Rules of Appellate Procedure. The appellate court
25 shall render its final order or judgment with the least possible
26 delay.

27 SECTION 2. Section 46.05(a), Penal Code, as amended by

1 Chapters 155 (H.B. 1819) and 814 (H.B. 913), Acts of the 85th
2 Legislature, Regular Session, 2017, is reenacted and amended to
3 read as follows:

4 (a) A person commits an offense if the person intentionally
5 or knowingly possesses, manufactures, transports, repairs, or
6 sells:

7 (1) any of the following items, unless the item is
8 registered in the National Firearms Registration and Transfer
9 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and
10 Explosives or otherwise not subject to that registration
11 requirement or unless the item is classified as a curio or relic by
12 the United States Department of Justice:

- 13 (A) an explosive weapon;
- 14 (B) a machine gun; or
- 15 (C) a short-barrel firearm;
- 16 (2) knuckles;
- 17 (3) armor-piercing ammunition;
- 18 (4) a chemical dispensing device;
- 19 (5) a zip gun;
- 20 (6) a tire deflation device; or
- 21 (7) ~~[a firearm silencer, unless the firearm silencer~~

22 ~~is classified as a curio or relic by the United States Department of~~
23 ~~Justice or the actor otherwise possesses, manufactures,~~
24 ~~transports, repairs, or sells the firearm silencer in compliance~~
25 ~~with federal law~~

26 [~~7~~] an improvised explosive device.

27 SECTION 3. Section 46.05(e), Penal Code, as amended by

1 Chapters 155 (H.B. 1819) and 814 (H.B. 913), Acts of the 85th
2 Legislature, Regular Session, 2017, is reenacted to read as
3 follows:

4 (e) An offense under Subsection (a)(1), (3), (4), (5), or
5 (7) is a felony of the third degree. An offense under Subsection
6 (a)(6) is a state jail felony. An offense under Subsection (a)(2)
7 is a Class A misdemeanor.

8 SECTION 4. Section 46.01(4), Penal Code, is repealed.

9 SECTION 5. To the extent of any conflict, this Act controls
10 over another Act of the 86th Legislature, Regular Session, 2019,
11 relating to nonsubstantive additions to and corrections in enacted
12 codes.

13 SECTION 6. An offense under Section 46.05(a)(7), Penal
14 Code, as added by Chapter 155 (H.B. 1819), Acts of the 85th
15 Legislature, Regular Session, 2017, may not be prosecuted after the
16 effective date of this Act. If on the effective date of this Act a
17 criminal action is pending for an offense described by that
18 subdivision, the action is dismissed on that date. However, a final
19 conviction for an offense described by that subdivision that exists
20 on the effective date of this Act is unaffected by this Act.

21 SECTION 7. This Act takes effect September 1, 2019.