

By: Hall

S.B. No. 378

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting public funds from being used to enforce certain federal or international laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

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. GENERAL PROVISIONS RELATING TO USE OF PUBLIC FUNDS

Sec. 2.001. PROHIBITION ON USE OF PUBLIC FUNDS TO ENFORCE CERTAIN FEDERAL OR INTERNATIONAL LAWS REGULATING FIREARMS, FIREARM ACCESSORIES, AND FIREARM AMMUNITION. (a) In this section:

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

(2) "Firearm accessory" means an item that is used in conjunction with or mounted on a firearm but is not essential to the basic function of a firearm. The term includes a detachable firearm magazine.

(b) 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

1 special district or authority;

2 (3) an officer, employee, or other body that is part of  
3 a municipality, county, or special district or authority, including  
4 a sheriff, municipal police department, municipal attorney, or  
5 county attorney; and

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

7 (c) Notwithstanding any other law, an entity described by  
8 Subsection (b) may not use public funds to enforce a federal  
9 statute, order, rule, or regulation or an international law  
10 purporting to regulate a firearm, a firearm accessory, or firearm  
11 ammunition, or the carrying of those items, if the federal statute,  
12 order, rule, or regulation or international law imposes a  
13 prohibition, restriction, or other regulation, such as a capacity,  
14 size, or configuration limitation, that does not exist under the  
15 laws of this state.

16 (d) An entity described by Subsection (b) may not receive  
17 state grant funds if the entity adopts a rule, order, ordinance, or  
18 policy under which the entity requires the enforcement of any  
19 federal statute, order, rule, or regulation or an international law  
20 described by Subsection (c) or if the entity, by consistent  
21 actions, requires the enforcement of any federal statute, order,  
22 rule, or regulation or an international law described by Subsection  
23 (c). State grant funds for the entity shall be denied for the  
24 fiscal year following the year in which a final judicial  
25 determination in an action brought under this section is made that  
26 the entity has intentionally required the enforcement of any  
27 federal statute, order, rule, or regulation or an international law

1 described by Subsection (c).

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

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

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

1        (h) The attorney general shall defend any entity described  
2 by Subsection (b) that the federal government attempts to sue or  
3 prosecute for an action or omission consistent with the  
4 requirements of this section.

5        SECTION 2. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2019.