

By: Toth

H.B. No. 2282

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to district and county attorney counsel in federal  
3 enforcement of laws regulating firearms, firearm accessories, and  
4 firearm ammunitions within the State of Texas.

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

6 SECTION 1. Article 2.08, Code of Criminal Procedure, is  
7 amended by adding new subsection (c) to read as follows:

8 Art. 2.08. DISQUALIFIED. (a) District and county  
9 attorneys shall not be of counsel adversely to the State in any  
10 case, in any court, nor shall they, after they cease to be such  
11 officers, be of counsel adversely to the State in any case in which  
12 they have been of counsel for the State.

13 (b) A judge of a court in which a district or county attorney  
14 represents the State shall declare the district or county attorney  
15 disqualified for purposes of Article 2.07 on a showing that the  
16 attorney is the subject of a criminal investigation by a law  
17 enforcement agency if that investigation is based on credible  
18 evidence of criminal misconduct for an offense that is within the  
19 attorney's authority to prosecute. A disqualification under this  
20 subsection applies only to the attorney's access to the criminal  
21 investigation pending against the attorney and to any prosecution  
22 of a criminal charge resulting from that investigation.

23 (c) In this section:

24 (1) "Firearm" has the meaning assigned in Section

1 46.01.

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

6           (d) District and county attorneys shall not be of counsel in  
7 federal court for any action involving enforcement of a federal  
8 statute, order, rule, or regulation purporting to regulate a  
9 firearm, a firearm accessory, or firearm ammunition.

10           SECTION 2. This Act takes effect September 1, 2021.