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et al.

H.B. No. 2622

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the enforcement of certain federal laws regulating
3 firearms, firearm accessories, and firearm ammunition within the
4 State of Texas.

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

6 SECTION 1. This Act may be cited as the Second Amendment
7 Sanctuary State Act.

8 SECTION 2. Chapter 1, Penal Code, is amended by adding
9 Section 1.10 to read as follows:

10 Sec. 1.10. ENFORCEMENT OF CERTAIN FEDERAL LAWS REGULATING
11 FIREARMS, FIREARM ACCESSORIES, AND FIREARM AMMUNITION. (a) In
12 this section:

13 (1) "Ammunition" has the meaning assigned by Section
14 229.001, Local Government Code.

15 (2) "Firearm" has the meaning assigned by Section
16 46.01.

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

21 (4) "State funds" means money appropriated by the
22 legislature or money under the control or direction of a state
23 agency.

24 (b) Notwithstanding any other law, an agency of this state,

1 a political subdivision of this state, or a law enforcement officer
2 or other person employed by an agency of this state or a political
3 subdivision of this state may not contract with or in any other
4 manner provide assistance to a federal agency or official with
5 respect to the enforcement of a federal statute, order, rule, or
6 regulation that:

7 (1) imposes a prohibition, restriction, or other
8 regulation that does not exist under the laws of this state; and

9 (2) relates to:

10 (A) a registry requirement for a firearm, a
11 firearm accessory, or ammunition;

12 (B) a requirement that an owner of a firearm, a
13 firearm accessory, or ammunition possess a license as a condition
14 of owning, possessing, or carrying the firearm, firearm accessory,
15 or ammunition;

16 (C) a requirement that a background check be
17 conducted for the private sale or transfer of a firearm, a firearm
18 accessory, or ammunition;

19 (D) a program for confiscating a firearm, a
20 firearm accessory, or ammunition from a person who is not otherwise
21 prohibited by the laws of this state from possessing the firearm,
22 firearm accessory, or ammunition; or

23 (E) a program that requires an owner of a
24 firearm, a firearm accessory, or ammunition to sell the firearm,
25 firearm accessory, or ammunition.

26 (c) Subsection (b) does not apply to a contract or agreement
27 to provide assistance in the enforcement of a federal statute,

1 order, rule, or regulation in effect on January 19, 2021.

2 (d) A political subdivision of this state may not receive
3 state funds if the political subdivision enters into a contract or
4 adopts a rule, order, ordinance, or policy under which the
5 political subdivision requires or assists with the enforcement of
6 any federal statute, order, rule, or regulation described by
7 Subsection (b) or, by consistent actions, requires or assists with
8 the enforcement of any federal statute, order, rule, or regulation
9 described by Subsection (b). State funds for the political
10 subdivision shall be denied for the fiscal year following the year
11 in which a final judicial determination in an action brought under
12 this section is made that the political subdivision has required or
13 assisted with the enforcement of any federal statute, order, rule,
14 or regulation described by Subsection (b).

15 (e) Any individual residing in the jurisdiction of a
16 political subdivision of this state may file a complaint with the
17 attorney general if the individual offers evidence to support an
18 allegation that the political subdivision has entered into a
19 contract or adopted a rule, order, ordinance, or policy under which
20 the political subdivision requires or assists with the enforcement
21 of any federal statute, order, rule, or regulation described by
22 Subsection (b) or evidence to support an allegation that the
23 political subdivision, by consistent actions, requires or assists
24 with the enforcement of any federal statute, order, rule, or
25 regulation described by Subsection (b). The individual must
26 include with the complaint the evidence the individual has that
27 supports the complaint.

1 (f) If the attorney general determines that a complaint
2 filed under Subsection (e) against a political subdivision of this
3 state is valid, the attorney general may file a petition for a writ
4 of mandamus or apply for other appropriate equitable relief in a
5 district court in Travis County or in a county in which the
6 principal office of the political subdivision is located to compel
7 the political subdivision to comply with Subsection (b). The
8 attorney general may recover reasonable expenses incurred in
9 obtaining relief under this subsection, including court costs,
10 reasonable attorney's fees, investigative costs, witness fees, and
11 deposition costs.

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

17 (h) The attorney general shall defend any agency of this
18 state in a suit brought against the agency by the federal government
19 for an action or omission consistent with the requirements of this
20 section.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2021.