

1-1 By: Hall S.B. No. 513
 1-2 (In the Senate - Filed January 28, 2021; March 9, 2021, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 9, 2021, reported favorably by the following vote: Yeas 5,
 1-5 Nays 2; April 9, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hughes	X			
1-8 Birdwell			X	
1-9 Campbell	X			
1-10 Hall	X			
1-11 Lucio		X		
1-12 Nelson	X			
1-13 Powell		X		
1-14 Schwertner	X			
1-15 Zaffirini			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the enforcement of certain federal laws regulating
 1-20 firearms, firearm accessories, and firearm ammunition within the
 1-21 State of Texas; creating a criminal offense.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The Legislature of the State of Texas finds that:

1-24 (1) The Tenth Amendment to the United States
 1-25 Constitution reserves to the states and the people all powers not
 1-26 granted to the federal government elsewhere in the constitution, as
 1-27 those powers were understood at the time Texas was admitted to
 1-28 statehood in 1845. The guaranty of those powers is a matter of
 1-29 contract between the state and people of Texas and the United States
 1-30 dating from the time Texas became a state.

1-31 (2) The Ninth Amendment to the United States
 1-32 Constitution guarantees to the people rights not enumerated in the
 1-33 constitution, as those rights were understood at the time Texas
 1-34 became a state. The guaranty of those rights is a matter of
 1-35 contract between the state and people of Texas and the United States
 1-36 dating from the time Texas became a state.

1-37 (3) The Second Amendment to the United States
 1-38 Constitution guarantees the right of the people to keep and bear
 1-39 arms, as that right was understood at the time Texas became a state.
 1-40 The guaranty of that right is a matter of contract between the state
 1-41 and people of Texas and the United States dating from the time Texas
 1-42 became a state.

1-43 (4) Section 23, Article I, Texas Constitution, secures
 1-44 to Texas citizens the right to keep and bear arms. That
 1-45 constitutional protection is unchanged from the date the
 1-46 constitution was adopted in 1876.

1-47 SECTION 2. Title 8, Penal Code, is amended by adding Chapter
 1-48 40 to read as follows:

1-49 CHAPTER 40. THE TEXAS FIREARM PROTECTION ACT

1-50 Sec. 40.01. SHORT TITLE. This chapter may be cited as the
 1-51 Texas Firearm Protection Act.

1-52 Sec. 40.02. DEFINITIONS. In this chapter:

1-53 (1) "Firearm" has the meaning assigned by Section
 1-54 46.01.

1-55 (2) "Firearm accessory" means an item that is used in
 1-56 conjunction with or mounted on a firearm but is not essential to the
 1-57 basic function of the firearm. The term includes a detachable
 1-58 firearm magazine.

1-59 Sec. 40.03. STATE AND LOCAL GOVERNMENT POLICY REGARDING
 1-60 ENFORCEMENT OF FEDERAL FIREARM LAWS. (a) This section applies to:

1-61 (1) the State of Texas, including an agency,
 1-62 department, commission, bureau, board, office, council, court, or

2-1 other entity that is in any branch of state government and that is
 2-2 created by the constitution or a statute of this state, including a
 2-3 university system or a system of higher education;

2-4 (2) the governing body of a municipality, county, or
 2-5 special district or authority;

2-6 (3) an officer, employee, or other body that is part of
 2-7 a municipality, county, or special district or authority, including
 2-8 a sheriff, municipal police department, municipal attorney, or
 2-9 county attorney; and

2-10 (4) a district attorney or criminal district attorney.

2-11 (b) An entity described by Subsection (a) may not adopt a
 2-12 rule, order, ordinance, or policy under which the entity enforces,
 2-13 or by consistent action allows the enforcement of, a federal
 2-14 statute, order, rule, or regulation enacted on or after January 1,
 2-15 2021, that purports to regulate a firearm, a firearm accessory, or
 2-16 firearm ammunition if the statute, order, rule, or regulation
 2-17 imposes a prohibition, restriction, or other regulation, such as a
 2-18 capacity or size limitation, a registration requirement, or a
 2-19 background check, that does not exist under the laws of this state.

2-20 (c) No entity described by Subsection (a) and no person
 2-21 employed by or otherwise under the direction or control of the
 2-22 entity may enforce or attempt to enforce any federal statute,
 2-23 order, rule, or regulation described by Subsection (b).

2-24 (d) An entity described by Subsection (a) may not receive
 2-25 state grant funds if the entity adopts a rule, order, ordinance, or
 2-26 policy under which the entity enforces any federal law described by
 2-27 Subsection (b) or, by consistent actions, allows the enforcement of
 2-28 any federal law described by Subsection (b). State grant funds for
 2-29 the entity shall be denied for the fiscal year following the year in
 2-30 which a final judicial determination in an action brought under
 2-31 this section is made that the entity has violated Subsection (b).

2-32 (e) Any citizen residing in the jurisdiction of an entity
 2-33 described by Subsection (a) may file a complaint with the attorney
 2-34 general if the citizen offers evidence to support an allegation
 2-35 that the entity has adopted a rule, order, ordinance, or policy
 2-36 under which the entity enforces a federal law described by
 2-37 Subsection (b) or that the entity, by consistent actions, allows
 2-38 the enforcement of a law described by Subsection (b). The citizen
 2-39 must include with the complaint any evidence the citizen has in
 2-40 support of the complaint.

2-41 (f) If the attorney general determines that a complaint
 2-42 filed under Subsection (e) against an entity described by
 2-43 Subsection (a) is valid, to compel the entity's compliance with
 2-44 this section the attorney general may file a petition for a writ of
 2-45 mandamus or apply for other appropriate equitable relief in a
 2-46 district court in Travis County or in a county in which the
 2-47 principal office of the entity is located. The attorney general may
 2-48 recover reasonable expenses incurred in obtaining relief under this
 2-49 subsection, including court costs, reasonable attorney's fees,
 2-50 investigative costs, witness fees, and deposition costs.

2-51 (g) An appeal of a suit brought under Subsection (f) is
 2-52 governed by the procedures for accelerated appeals in civil cases
 2-53 under the Texas Rules of Appellate Procedure. The appellate court
 2-54 shall render its final order or judgment with the least possible
 2-55 delay.

2-56 (h) A person commits an offense if, in the person's official
 2-57 capacity as an officer of an entity described by Subsection (a), or
 2-58 as a person employed by or otherwise under the direction or control
 2-59 of the entity, or under color of law, the person knowingly enforces
 2-60 or attempts to enforce any federal statute, order, rule, or
 2-61 regulation described by Subsection (b). An offense under this
 2-62 subsection is a Class A misdemeanor.

2-63 SECTION 3. This Act takes effect immediately if it receives
 2-64 a vote of two-thirds of all the members elected to each house, as
 2-65 provided by Section 39, Article III, Texas Constitution. If this
 2-66 Act does not receive the vote necessary for immediate effect, this
 2-67 Act takes effect September 1, 2021.

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